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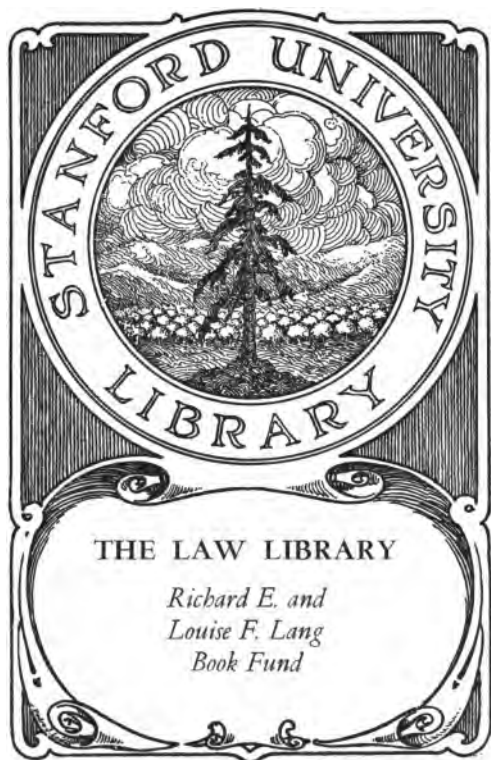
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MONMOUTH ADJOURNED SPRING ASSIZES,

8th April, 1857.

In the Queen's Bench.

PROCEEDINGS ON THE TRIAL OF THE CAUSE

JACOB MORGAN,

Plaintiff,

versus

THE REV. ILTYD NICHOLL, *Defendant.*

BEFORE

MR JUSTICE WILLES AND A SPECIAL JURY.

[*From the Short-hand Notes of Mr Walsh.*]

LONDON:

PRINTED BY C. W. REYNELL, LITTLE PULFENEY STREET.

1858.

LONDON:

C. W. BRYNELL, LITTLE PULTENEY STREET,
HAYMARKET.

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P R E F A C E.

THE following is the Report of a Case of Ejectment heard at Monmouth in the month of April, 1857, before Mr JUSTICE WILLES, in which JACOB MORGAN was Plaintiff, and the Rev. ILTYD NICHOLL was Defendant. It is one of a class of Welsh pedigree cases which has nearly disappeared in Wales. Some twenty years since they were frequent. Of late years they have hardly been heard of, and it is to be hoped that this will be among the very last of the kind any person will have the audacity to present for investigation in a court of law. Improved morals, a more general sense of intelligence and of honour, have almost put an end to these domestic and parish conspiracies, which were formerly among the scandals of the Principality. It is too frequent, however, that in the courts of law in Wales a cloud of witnesses is collected to overwhelm the truth and to be

opposed to the clearest documentary and written evidence, whether the question in dispute relates to a horse, to a family difference, or to the occupation of a farm.

The Rev. Iltyd Nicholl succeeded, in September 1854, to the Estates of Miss Morgan, of Pantygoitre, being her heir-at-law; and the following is the Pédigree, showing the descent of the Estates to him:

I. WILLIAM MORGAN of Mamhilad [son of Edmund Morgan and Katherine his wife], born in 1665, and died June 20, 1743. He married Eleanor Morgan [the daughter of Walter Morgan of Berllandeg, whose will was proved 18th April, 1676, and of Florence Jones, co-heir of Rhys Jones of Court Blethin—her will is dated in 1712]. They were married 14th October, 1697. The marriage settlement is in existence, and his will, dated in 1741. She died 8th November, 1737. They left issue :—

1. WILLIAM MORGAN, below-named [A], who married Eleanor Jones.
2. ELIZABETH MORGAN [C] below-named, who married, 2nd December, 1730, John Morris of the Pant. From this marriage is descended the Rev. ILTYD NICHOLL, the heir of the Morgan estates and the defendant in this action. The marriage settlement exists, and the Will of John Morris.
3. Anne Morgan, who married David Jones of Llantilio Crosseny, and left no issue. A settlement was made on this marriage.
4. Mary Morgan, who married Nathaniel White, and who had issue a son born in 1740, and which son died without issue in 1823.

II. WILLIAM MORGAN [A], above named, of Mamhilad [the son of William Morgan and Eleanor Morgan], was born in 1704, and died 5th December, 1772. A marriage settlement exists. He is described in the deed of gift, executed by his father in 1741, to be the "only son and heir." He married, 10th June, 1741, Rachel Jones of Graigwith, and she died 4th November, 1782. The issue of this marriage were :—

1. JOHN MORGAN of Graigwith, below named [B], who married Rachel Evans.
2. William Morgan of Mamhilad, born 21st April, 1749, and who died unmarried in 1823.

III. JOHN MORGAN [B] of Graigwith [son of the above-named William Morgan and Rachel Jones], was born in 1746, and died 19th May, 1805. His Will exists. He married, 23rd January 1784, Rachel Evans, who died 11th March, 1824. They had issue:—

- IV. 1. William Morgan of Pantygoitre, born 1788, and who died 4th June, 1843, unmarried.
- V. 2. RACHEL MORGAN of Pantygoitre, born 1786, and who died, unmarried and intestate, 29th September, 1854.
3. Anne Jones Morgan, born in 1794, and who died in 1851, unmarried. She made a Will.

The above-named Rachel Morgan [V], was succeeded by her heir, the Rev. ILTYD NICHOLL, the descendant and heir of Elizabeth Morgan [C], who married John Morris. This Elizabeth Morgan [daughter of William of Mamhilad

and of Eleanor Morgan], was born in 1700. A settlement was made on her marriage in 1730. She died in 1786, and her husband died in 1754—having made his Will—leaving issue, a daughter:—namely,

Eleanor Morris, born 12th July, 1737. She first married, 10th March, 1771, George Bond, and her marriage settlement is dated 27th February, 1771. She married a second time, in 1781, to Henry Rogers, and died—having made her Will—28th December, 1813. George Bond, her first husband, was born in November 1728, and died 24th December, 1777, leaving issue of this marriage an only daughter:—namely,

Eleanor Bond, born 11th April, 1775, married, in 1807, Iltud Nicholl, Esq.—a settlement having been made on the marriage—and died in 1850, leaving an eldest son and heir:—namely,

VI. The Rev. ILTYD NICHOLL, the defendant in this action and the present owner of Pantygoitre, Mamhilad, and Graigwith.

The plaintiff in this action claimed to be descended from one "John Morgan," who, it was alleged on his part, was the brother of William Morgan [A], who was designated by his father, William Morgan, in the year 1741—in a deed executed by him—to be his only son and heir.

It is to be observed that William Morgan (I) of Mamhilad made a will, and that it contains no notice of any such son "John" Morgan.

A settlement was made on the marriage of his son William (II) in 1741, and a deed of gift was executed in the same year in favour of this William, who is described in it to be his "*only son and heir*."

A settlement, also, was made when the daughter of William

Morgan (I), namely Elizabeth Morgan, was married in the year 1730 to John Morris of the Pant, from whom Mr Nicholl is descended.

A settlement was, also, made when Anne Morgan, another daughter of William Morgan (I), married David Jones.

In none of these settlements or in William Morgan's [I] will, nor in the will dated 1712 of Florence Morgan [the mother of William Morgan (I)], is there any notice of the existence of a son of William Morgan of the name of "John."

Another daughter of this William Morgan (I), namely, Mary Morgan, married Nathaniel White. The marriage was not acceptable to her family, and on her marriage there was no settlement made, but she was not disowned. Her relationship and that of her son, John White, to the Morgans and to the children of Mrs Elizabeth Morris, was always recognised, and openly and publicly recognised. The Whites were spoken to, and visited by the known descendants of William Morgan (I) of Mamhilad.

If John Morgan, the alleged ancestor of the plaintiff, had been a brother of Mrs White—and his fortune and those of his children had been humble—there was nothing in the social position of Mrs White and of her son to have prevented the repeated, constant, and public recognition of his relationship, or of his descendants.

Settlements having been made on the marriage of the known members of the family above named, it is obvious, that instead of the mild and quiet way in which the witnesses in this case represented the acknowledgments of consanguinity to have been made between the family of the plaintiff and that of the Morgans of Mamhilad, they would have heard expressions of burning indignation at their exclusion from the house at Mamhilad. If the alleged relationship existed, the family of the plaintiff was scornfully and shamefully treated by the family of Graigwith and Pantygoitre; but not a word was uttered by any witness, expressive of any sense of indignation or anger that had fallen from the lips of those who—if

what the witnesses said were true—must have felt the indignity of the treatment they received.

The alleged pedigree of the Plaintiff, Jacob Morgan, was as follows:—

William Morgan [son of Edmund Morgan (who is said to have died in 1705) and of Katherine Rosser] who married Eleanor Morgan, was said to have had issue, not merely the son William Morgan [A], who on his marriage in 1741 was described by his father in the deed of gift to be “his only son and heir,” but another son, namely:—

John Morgan of Trevethin, who was said to have died 5th March, 1741, and married to Diana Worth, who died 17th May, 1745. From this marriage it is said there was issue :

Edmund Morgan of Groeslanfro, baptised in 1733, and who died in 1810, who married, 8th of July, 1761, Anne White, born in 1727. He married, secondly, Mary Davies, and by her had five children, three of whom are living, namely: Harry Morgan, Amy Evans, and Anne Evans. He had issue by his first marriage :

William Morgan of the Grange, who was baptised in 1765, and died in 1844, and who married Alice Harry. He had issue:

Isaac Morgan, who was said to have disappeared fourteen years ago, and who has now served a declaration in ejectment in his own name, who married Anne Williams, and who has issue:

JACOB MORGAN, the plaintiff in this cause.

Mr Alexander, Q.C.—the senior counsel for the plaintiff, admitted that the proof of the relationship of John Morgan, the alleged brother of William Morgan [A] depended upon *hearsay evidence*.

The value of this kind of evidence may in some cases be of great importance by way of corroboration of other evidence, but in this case it was the sole evidence. Unless it were accurate beyond contest, it could be of no value.

In the "*Tale of the Tub*," there is an illustration of hearsay evidence which certainly had its parallel in the hearing of this cause:—

" 'Brothers—if you remember, we heard a fellow say, when we were boys, that he heard my father's man say, that he would advise his sons to get gold lace on their coats as soon as ever they could procure money to buy it.'

" 'That is very true,' cried the other.

" 'I remember it, perfectly,' said the third."

The evidence in this cause on the part of the plaintiff was very little removed from the palpable lying thus wittily described.

There was no documentary evidence of any kind to connect with the hearsay evidence given to sustain the case of the plaintiff. It was hearsay and nothing else. What was said to be heard, was said to have been heard at such a distance of time that it was impossible the witnesses could have remembered what they declared they had heard. So many witnesses in the cause evidently made statements that were utterly incredible, and referred to a state of facts which it was impossible could ever have existed, that the character of the claim of the plaintiff, and the wicked means by which it was supported, were apparent. The memory they professed to possess to relate conversations which they alleged took place at the earliest ages of life, was denied by their avowed inability to remember very recent occurrences in which they had been very seriously interested.

Upon the death of the late Miss Rachel Morgan (V) of Pantygoitre, the defendant, the Rev. Mr Nicholl, instantly took possession of the estates. There were many reasons, arising from reports which were current, to make it proper that not an instant should be lost. At the trial, Mr Alexander, Q.C., made it the subject of complaint that possession had been so taken. Mr Nicholl took possession, without delay, of his rightful inheritance. He did what every person

does under similar circumstances. Was he to have left the door of the house open, and to have allowed any person who thought fit to enter and to ransack the house—to seize upon, or to destroy papers, and to exclude him from the possession of his own estates? Was he to wait until a rabble of unprincipled paupers should have barred the door against his entry? or was he to have waited for upwards of twelve months until some person should have the wickedness to invent a hostile claim against him? Miss Morgan left the doors of the chief rooms and bed-rooms of the house, including the room in which the deeds were, locked, and they were kept locked until Mr Waddington—who had been the solicitor of Miss Morgan—some days after the death of Miss Morgan, in the presence of his own clerks, unlocked them. They were not previously unlocked or entered by any of the family or friends of Mr Nicholl. They were entered in this formal manner in the company of witnesses, brought to the house by Mr Waddington—witnesses in no way related to the family. One sitting-room Miss Morgan had left open, but the deeds were not kept there. It could hardly have been imagined that any counsel could have been persuaded to have made the very proper, necessary, and indeed, inevitable course taken by Mr Nicholl, a matter of complaint or of censure.

When the deeds and papers were found, they were brought to Usk for their greater security. The representatives of the maternal line were those who, by proximity of relationship, became entitled to the personal estate. The furniture and personal effects in the house became theirs. It was neither wise nor right to expose papers to which they would have no claim to any interference during the examination or removal of the furniture and other goods. Excepting the deeds and papers, there was not an article in the house to which Mr Nicholl was entitled. As a prudent person, then, it was proper he should place the papers in security. He had no reason to imagine that any person would be profligate enough to contest

his right of succession to the estates. But the deeds and papers were not removed for the purpose of concealment—When a client of Mr F. James, of Merthyr, set up a claim to the real estate, the fullest examination of the papers was afforded to him—when a client of Mr Secretan Woodhouse, of Abergavenny, made a claim, a similar opportunity was given to him—when a client of Mr George, of Monmouth, started up to make a claim, every deed and paper was offered to his inspection—when other parties made claims, a similar free and unrestrained opportunity to ascertain how groundless all their expectations were, was given—and lastly, even in this very case, without any Bill in Chancery being filed for the exhibition of the documents, the attorney of this very claimant might have seen, without cost and expense, the deeds and papers which he carefully examined under the authority of a costly and expensive process of the Court of Chancery which there was no necessity for him to have originated. Nothing could be more fair, more open, or more conscientious than the conduct of Mr Nicholl towards every person who suspected they could contest his title to the estates. What he did was blameless, and exhibited the truthfulness and behaviour of an educated and honourable gentleman.

If there had been any truth in the case of the plaintiff, he was as equally related, and in the same degree, to the family of Mr Nicholl, as it was alleged he was related to the late Miss Morgan. He set up no knowledge of the Nicholl family. In the midst of the poverty in which he and his family had lived, no aid or assistance from the Nicholls, and no claim of blood or relationship to them, was at any time suggested to authorise any application to diminish the want by which they were pinched.

Moreover, if the alleged declarations on the part of the Morgans to the plaintiff's friends, had been true, how did it happen that a family so well off in the worldly means as that of Miss Morgan was, and who were alleged to have spoken so

freely of their relationship with the family of the plaintiff, had never been heard by any person of their own rank of life in the county to speak of the family of the plaintiff? All the persons referred to in this inquiry lived at a short distance from each other in the county of Monmouth. Surely some other person than those associating with the family of the plaintiff, and of equal position in life with the family of Miss Morgan, would have heard some declaration of relationship with the family of the plaintiff, if any such declarations had ever been uttered by any member of Miss Morgan's family.

Miss Morgan valued and preserved the Prayer Book that was produced in evidence as affording proofs of her relationship to the family of the Nicholls, and of those from whom she was descended. In that Prayer Book there is not the note of any connection with the family of Morgan from which the plaintiff alleged himself to be descended.

The descent of the defendant was clear through the evidence of settlements, parish registers, and wills. There was no person named in any of those documents, who could not be accounted for, but not a shadow of notice is to be found in them of the "John Morgan" from whom the plaintiff alleged that he was descended. Mr Nicholl's documentary evidence was perfect, and there was not a speck upon his title. The deeds and documents alluded to were complete evidence of his right of inheritance.

With how much alarm, however, ought such an attempt as that of the plaintiff to be regarded? Hearsay evidence, to be of any value, must be correct and untainted. Here it was full of the grossest inconsistencies, tainted with corruption, unsupported, and opposed to the clearest and most precise statements of ancient family writings. Who could have believed that persons in any class of life could have been participators in the wickedness of the attempt to disturb Mr Nicholl's possession? But there are some men with whom honour and reputation are insignificant matters, and some such men took

an active part in these proceedings, in addition to the witnesses.

The plaintiff, in his Bill in Chancery, filed 11th February 1856, stated, that he had "recently and since December, 1855," discovered the facts from which he inferred his heirship. This alone shows the fabricated character of his claim. After the Bill in Chancery was filed, the aged witnesses who were induced to speak on the subject were examined under a Commission at Bristol. Some grave and important statements which they then made, they denied at the trial at Monmouth to have been made by them. And, lastly, the father of the plaintiff has come forward and served a Declaration of Ejectment in his own name! These few facts alone picture, vividly enough, the wretched and wicked character of these proceedings which have been undertaken, aided, and encouraged by those to whose eyes the false claim of the plaintiff must have been most manifestly apparent.

T. F.

ERRATA.

- Page 2, line 16, for "he died," read "he lived."
Page 3, line 7 from bottom, for "Cary," read "Harry."
Page 6, line 20, for "who," read "whom."
Page 64, line 9, for "Garthio," read "Garth."
Page 67, line 28, dele "Charles."
Page 78, line 23, for "Pontybethin," read "Court Blethin."
Page 82, line 7 from bottom, for "Llanannock," read "Llanhenock."
Page 93, line 32, dele "not."
Page 104, line 19, for "know," read "knew."
Page 108, line 16, for "Cr," read "Crosenny."
Page 108, line 20, for "Llandilo Cr," read "Llangibby."

In the Queen's Bench.

PROCEEDINGS ON THE TRIAL OF THE CAUSE MORGAN *versus* NICHOLL, CLERK.

COUNSEL FOR THE PLAINTIFF: MR ALEXANDER,
Q.C.; MR SERJEANT PIGOTT, MR PHIPSON.

SOLICITOR: MR TANNER, Bristol.

AGENTS: MESSRS TATHAM and PROCTOR, London.

COUNSEL FOR THE DEFENDANT: MR WHATELEY,
Q.C.; MR KEATING, Q.C.; MR GRAY.

SOLICITOR: MR WADDINGTON, Usk.

AGENTS: MESSRS THOMAS WHITE and SONS, London.

FIRST DAY.

The jury having been sworn on a previous day,
The pleadings are opened by Mr PHIPSON.

MR ALEXANDER. May it please your lordship, gentlemen of the jury. It is a matter, of course, of some regret that you should have been again summoned from your homes for the purpose of attending at these adjourned assizes, but as the case which you have to inquire into is one of very considerable importance, involving property of a considerable amount, it is fit that it should receive a calm and uninterrupted investigation, and as there would not have been sufficient time when you were assembled here last week to have gone on with the case uninterruptedly, and as if the case had been only partly heard, it would still have involved the inconvenience of your being again summoned from your homes, it is, perhaps, better, on the whole, that you should submit to the inconvenience of coming here now, and it will be a satisfaction to you, equivalent to any trouble you may have been thereby occasioned, to know that you will thus have an opportunity of giving a full and fair consideration to the claims of the respective parties in this cause, and of doing full justice between them. Gentlemen, I will not detain you by any further preliminary observations, but will state to

you at once the nature of the claimant's case. I have already told you that the property sought to be recovered in this action is of considerable value. I believe that in round numbers it may be said to be of the value of sixty or seventy thousand pounds, taking it at a low estimate, and it consists of land and houses. This is a proceeding to recover the landed or real estate. It is situate in the county of Monmouth, and the principal mansion or residence is called Pantygoitre House, which is in the parish of Lanvair Kilgeddin, in this county, many other portions of the property being in other parishes in the same county. It was last in the possession of Miss Rachel Morgan, a maiden lady who died intestate on the 29th of September, 1854. She had never been married, and she left no will. The real property therefore, by the law of England, descends to her heir-at-law, and the question for you to determine will be who that heir-at-law is. The plaintiff claims to be the heir-at-law of Rachel Morgan, and the defendant, the Rev. Iltud Nicholl, a gentleman of very high respectability, and a clergyman of the established church, also claims to be her heir-at-law, and he is in possession of the property, having taken possession of it immediately on the death of the intestate Rachel Morgan. I believe that he, or his father or brother, on his behalf, took possession of the property on the very night of Miss Morgan's death, though she died at a distance—at Clifton, in the county of Somerset. The plaintiff, Jacob Morgan, is a young man in humble life. He is, in point of fact, a labourer, while the defendant is a gentleman of station and respectability in this county. I do not mention that with a view to excite any prejudice in your minds. I know that the humblest claimant, and the wealthiest defendant, will meet with equal justice here, but at the same time you will bear in mind that very ample searches into documents of various kinds, parish registers, and certificates of baptism, marriage, and burial, and so on, as well as the production of parol testimony of an intricate and ancient nature, requiring great labour, research, and expenditure of time and money, are necessary in cases of this description, and therefore the defendant has, in this case, obviously a very great advantage over the plaintiff, who, as I have told you, is in humble circumstances. The plaintiff claims as lineal descendant of one John Morgan, who he states was the brother of the intestate's grandfather. At the outset of a cause like this, it is convenient, particularly where different persons bear the same name, to fix on some name by which they may be distinguished; I propose, therefore, to call Rachel Morgan, the person last in possession of the estate, the Intestate. She died in September 1854. The plaintiff, as I have told you, claims as lineal descendant of John Morgan, the brother of the intestate's grandfather, whose name was William Morgan. The defendant denies this, and asserts that William Morgan, the grandfather of the intestate, had no brother. Of course I cannot bind my friend, who represents the defendant, by any statement I may make, but I believe that the defendant claims as a descendant of Elizabeth, a sister of the intestate's grandfather, and therefore he claims through the female line. The principal question, therefore, that you will have to consider will be the brotherhood of the plaintiff's great-great-grandfather, namely, John Morgan and the intestate's grandfather, William Morgan. We maintain that they were brothers. My friends, I believe, will maintain that there was no such person as John Morgan; that William Morgan had no brother; that the father of William Morgan, the intestate's grandfather, had but one son. The great

question, therefore, in the cause, will be the brotherhood of the plaintiff's great-great-grandfather and the intestate's grandfather. Now I think it may not be inconvenient that I should state, as much for the information of his lordship as for yours, the descent of the different parties in this cause. And first, with respect to the intestate, Rachel Morgan, she was one of the daughters of John Morgan and Rachel Evans. Her grandfather, William Morgan, whom we assert to have been the brother of John the great-great-grandfather of the plaintiff, married Rachel Jones, who was one of the co-heiresses of a Mr Jones, of Graigwith, a place the name of which you will hear frequently in the course of this cause, and having married that lady, and being as we say brother to the plaintiff's great-great-grandfather, he had issue of Rachel Jones, first, John Morgan, of Graigwith, and secondly, William Morgan, of Mamhilad. Of these two children,—John and William Morgan—William never married; he died and died a bachelor. John Morgan married Rachel Evans, who had been a servant in the family at Graigwith. I must beg you to bear that circumstance in mind, as it may have reference to some subsequent parts of the case. The children of John Morgan and Rachel Evans were, first, William Morgan, who died in 1843, a bachelor, and I believe intestate; secondly, Rachel Morgan, the intestate, the person last in possession; and thirdly, Anne Morgan, who died in 1851; so that William Morgan, who died in 1843, and Anne Morgan, who died in 1851, left behind them—as their sole surviving descendant of the grandfather William Morgan,—Rachel Morgan, the intestate, and upon her death, which took place in 1854, the question as to the succession of the property arose. Now, gentlemen, I beg to trouble you with a narrative, which I hope will be equally short, of the plaintiff's descent. The plaintiff's great-great-grandfather was, as I have said, John Morgan, and we say that that John Morgan was a son of William and Eleanor Morgan, and that that Wm. Morgan was a son of Edmund Morgan, who died in 1705. It is not unimportant in enquiries of this kind, where we have to grope our way in the midst of the darkness of very long bygone times, to find that there is a transmission of hereditary Christian names in a family. You will find that the great-grandfather of the present claimant was named Edmund also, he being the first person I think it necessary to mention in the pedigree of the plaintiff. Edmund Morgan, who married Catherine Rosser, died in 1705, and his son was William, who was married to Eleanor Morgan. We say that from that William Morgan, the husband of Eleanor, sprung, first, William Morgan, the great-grandfather of the intestate, with whose pedigree I have just troubled you; and, secondly, John Morgan, the great-great-grandfather of the claimant; and that that John Morgan married a person of the name of Diana. I think he was generally called John Morgan of Trevethin, and he married a person named Diana. The son, and the only son, of that John Morgan and Diana was Edmund Morgan, and he was generally called Edmund Morgan of Groeslanfro. He was born about the year 1733; at least, he was baptised about that time. That Edmund Morgan first married Anne White, and by that Anne White he had a son named William Morgan. That William Morgan married a person named Alice Cary, and from that marriage sprung Isaac Morgan, the father of the present claimant, who married Anne Williams, and from that marriage of Isaac Morgan and Anne Williams came Jacob Morgan, the claimant in this case. But, gentlemen, Edmund Morgan, who married in the first instance Anne White, married secondly a person named Mary Davis, and by that Mary Davis I think he had five children, three of whom are now living;

that is, three of Edmund Morgan's children by his second wife, Mary Davis, namely Harry Morgan, Amy Evans, and Anne Evans. Now those three persons being now alive, though advanced in years, will no doubt be important witnesses in this cause, because they are the great-uncle and great-aunts to the plaintiff by half blood by the second marriage of Edmund Morgan. The plaintiff's great-grandfather would have been first-cousin to the intestate's father, John Morgan, and of course the plaintiff's grandfather, William Morgan, would have been second-cousin to the intestate. You will at once perceive, therefore, that the testimony of these three witnesses, whether it be for good or for evil to my client, will be important testimony at all events, because they can carry back their recollection to the declarations of Edmund Morgan, the great-grandfather of the intestate and their own father. Now, gentlemen, it only remains for me to state, with respect to the pedigree, what I believe to be the supposed descent of the defendant. I cannot expect my friend to admit what I am about to state to be correct, but I think it may facilitate the inquiry if I state what I believe to be the descent of Mr Nicholl, the defendant. I believe he says, that going back to the same William Morgan, the husband of Eleanor, that we go back to, and who was the father of the plaintiff's great-grandfather, as we say, and the intestate's grandfather, one of the daughters of William and Eleanor was an Elizabeth Morgan; that she married John Morris, and that from her sprung Eleanor Morris; that Eleanor Morris was first married to the Rev. Henry Rogers, and afterwards to a Mr Bond, and that from her union with Mr Bond sprung Eleanor Bond, who married Iltid Nicholl, the father of the defendant. I believe that to be a correct statement of the pedigree that will be set up by the defendant. Now, gentlemen, the intestate, as I have told you, died unmarried on the 29th of September, 1854, and all the lineal descendants of her grandfather by her death became extinct. In considering the question, therefore, as to the right to this property, we are driven to the other children of William Morgan and Eleanor, and that source is now common both to the plaintiff, and to the defendant. We, on the part of the plaintiff, claim to be a direct lineal descendant of that William and Eleanor. Mr Nicholl, the defendant, claims to be descended through the female line of Elizabeth. Both parties, therefore, are driven back to that common source. I will now shortly state to you the history of this Morgan family. William Morgan, the husband of Eleanor, was an inhabitant of Mamhilad parish. His son, William Morgan, through whom the intestate derived the property, eventually married, as I told you before, a Miss Jones, the co-heiress of Graigwith, and they had issue John and William. The Mamhilad property was originally a very small one, consisting of a very moderate farm, and was altogether but a very small possession; but by the marriage of William Morgan with Rachel Jones of Graigwith, who was the co-heiress of Mr Jones of Graigwith, of course his worldly circumstances were very much improved. On the death of William Morgan, John went to live with his aunts, namely Elizabeth and Anne Jones, the other co-heiresses with Rachel Jones. They went to live at Graigwith, where he managed their farming affairs for them, while his brother William remained with their mother at Mamhilad, which is the property that came through the Morgans, where he managed her property for her. These two maiden aunts, sisters of Rachel Jones and aunts of John Morgan died, one of them in 1779 and the other in 1780, and John Morgan thus became possessed of the whole of their property. He continued to reside there for a considerable time, and in January, 1784, he married Rachel Evans, who, if you have done me the favour

to recollect, I described to you as a servant at Graigwith. Rachel Evans had lived with John Morgan and his two maiden aunts at Graigwith. At one period she left their service, and went to reside at Bristol, but after both the maiden aunts had disappeared, John Morgan married that Rachel Evans. One may well, therefore, surmise the circumstances under which she left the family of these maiden ladies, when we find that immediately after the death of the two aunts, and not until then, John Morgan married her. The issue of that marriage were William, Rachel the intestate, and Anne,—a son and two daughters. John lived at Graigwith for thirty-two or thirty-three years, and he accumulated money to a considerable extent. He died in the year 1806, leaving Rachel Evans, his widow, surviving, she having been, as I have told you, a servant; William, his son, who, I told you, died a bachelor and intestate; Rachel the intestate, and Anne, his daughters. He left a son and two daughters surviving him. They lived together for some years. Rachel, the widow, who had been Rachel Evans, died in 1824, and thereby nobody was left in possession of that property at Graigwith but William Morgan, who afterwards died unmarried and intestate, and Rachel and Anne Morgan his sisters,—a brother and two sisters, neither of which three persons was ever married.

I have told you that William Morgan, the brother of John who married Rachel the servant, continued to live with his mother at Mamhilad. William never married. His property at Mamhilad was much benefited by his own accumulations and additions, and by the fortuitous circumstance of the Brecon Canal taking a portion of his property, for which they had to pay him compensation, his worldly means were considerably improved and his property was considerably added to. He died in the year 1823, and his landed property went to his nephew William, the brother of the intestate. I believe that the personal property went to the two daughters. The means of these three unmarried persons, William Morgan, Rachel Morgan the intestate, and Anne Morgan, were thereby considerably increased. The whole property was then centred in them, and you can readily account for the increasing value of that property. Anne died in 1851 a spinster, Rachel, the intestate, thereby became very rich. The Pantygoitre property had been purchased before the brother's death. That was a more important residence than any other to be found on the different properties, and the bachelor brother and the two maiden sisters moved to Pantygoitre House, where they remained till their deaths. Anne died in 1851, unmarried and intestate, and the intestate Rachel Morgan died in 1854, possessed of considerable property which is the subject of the present inquiry. Now, gentlemen, having mentioned to you the names of these parishes, it is necessary that I should detain you for a very few seconds while I mention to you some of the peculiar circumstances belonging to them. What I called Mamhilad parish is, as I am told, in the upper division of the hundred of Abergavenny. It is a perpetual curacy, united with Trevethin to the vicarage of Llanover. They are all in the diocese of Llandaff, they all three adjoin, and Trevethin parish is in the same division and hundred of the county. It is also a perpetual curacy, and is annexed to the vicarage of Llanover. The three adjoin each other, and Llanover is considered and treated, both ecclesiastically and otherwise, as the mother church. Gentlemen, I mention these circumstances to you in order to explain that which would otherwise appear to be some confusion in the registers. Most of the registers of these parishes have been very irregularly kept, and some of them are defective. You will find sometimes in the register of Llanover the entry of a person born or buried at Mamhilad, while

there will be another entry in that pariah register of a person born or buried in Trevethin; you will find that there is considerable irregularity in the mode in which the registers have been kept, which, joined to the circumstance that in those distant times very little care comparatively was taken to preserve the registers, leads no doubt to some confusion and to some difficulty in tracing the descents of the family in question. Now, gentlemen, as to the plaintiff's pedigree I believe we shall be able to show it clearly by registers, and other sources up to the birth of his great-grandfather Edmund the father of Diana. We shall be able to show that by independent sources beyond dispute. I should however make one exception, we shall not be able to prove by the register the death of his father Isaac. The circumstances of his disappearance, which in point of law are sufficient to raise a presumption of his death, are these; it appears that he was engaged in the Chartist riots at Newport in 1841. Those riots took place in November in that year. He had been implicated in them and afterwards disappeared, and has never since been seen. He took refuge at Bristol, where he hid himself at the house of a relation for a day or two, but went away from there, and has never been seen since. Whether the martial courage of my friend Sir Thomas Phillips (who I do not see here) frightened him away or deprived him of life by the apprehension that he should have to meet him again, I do not know, but he never appeared again. His wife will tell you that she has not seen or heard of him for sixteen years, and therefore it is reasonable to conclude as the Law does conclude that he is dead, though we are not able to show you the certificate of his burial, though his birth will be distinctly proved by people who were present and assisting his mother at the time. I have told you that we can prove our pedigree *up to the birth of Edmund, the son of Diana*, by means of registers, but for events occurring prior to the birth of Edmund no registers can be found. They are exceedingly defective as I have said, and very irregularly kept, I believe it will be proved that in the Llanover register there is no entry to be found from 1738 to 1745, an interval of twelve years. I mention that just to give you a notion of the irregular and defective manner in which the registers had been kept and preserved. We are therefore driven, in the absence of registers, to resort to parol testimony; that is to the *hearsay evidence*, or to the declarations of persons connected with the family, made either to members of the family, or to persons not members of the family, as to the degrees of relationship in which the various members stood to each other, and upon this point, I believe, we shall have a considerable mass of evidence to lay before you. Now, gentlemen, I asked your attention at the outset of my address to the name of Edmund, you will find that the great-grandfather of John Morgan, who married Diana, was named Edmund, and that John Morgan, who married Diana, baptised his son by the name of Edmund. You will find also that the name of Diana, not a very common name in England, and I believe not more common in the neighbourhood of the principality of Wales, was not lost to the family, for that a daughter of Edmund Morgan was christened Diana, and the witnesses I shall call before you will be able to speak to you of Diana the wife of John Morgan who died in 1746. We find that she was a dissenter, that she attended a dissenting place of worship, and that it was reputed by persons who had the means of knowledge upon the subject that she was interred at the cemetery attached to Penygarn chapel, a dissenting place of worship in the immediate neighbourhood of Trevethin church, Trevethin church being a church connected with

Mamhilad where the intestate's sisters were located. We find also on a tombstone in Penygarn chapel this inscription, "Here lie the remains of Diana, wife of John Morgan, who died in 1746," thereby corroborating the statements which will be made by witnesses, who will say that she was a dissenter in the habit of attending this chapel. We shall also have a considerable mass of evidence to show that Edmund Morgan, the husband of Anne White, and the son of John and Diana, and John Morgan of Graigwith, who was the son of the heiress, Rachel Jones, and William Morgan of Mamhilad, who died a bachelor, were in the habit of treating each other as cousins; that Edmund Morgan was called the first cousin of John Morgan, and was treated by him accordingly; that William Morgan also reciprocated that connexion, treating them as his cousins and visiting them from time to time. And here, gentlemen, I may make an observation, which you will be able to correct if I am wrong—I am told that it is the custom in Wales, and in the adjoining counties, for the children of first cousins to call their parents uncle and aunt, so that supposing my friend and I were first cousins my friend's children would call me uncle. I am told that we also shall be able to show that William Morgan, the intestate's brother, held the same language, treating Edmund Morgan as his second cousin, which is only intelligible on the supposition of John Morgan being the brother of William.

Of course we can give more evidence about William Morgan, who was the last male possessor of the property in question, than we can about the others who preceded him. It appears that this William Morgan, of Graigwith and Mamhilad, had bought some land at a place called St Bride's, which land had belonged to a Mr Phillips, of Risca. It was on the seashore, I believe. He occupied that land for several years, and while he was in the occupation of it, he was in the habit of going down from time to time to see it, particularly with reference to a sea wall, for the property was subject to the irruptions which are frequently made by that element, the sea, upon the adjoining land, and there being no residence upon that property at Risca, he was in the habit of frequenting the house of a person named Rosser, and of taking refreshment there. It will be proved to you that he constantly entered into conversation with the various members of the family, male and female. He was in the habit of taking his men over the land, to look at it. He employed one of the sons, and frequently while he was waiting for his horse to be re-saddled, or while he was taking refreshment there, he would talk of his relations of Groeslanfro, and speak of his relationship to them with great familiarity to the members of the Rosser family. That land which he so occupied was afterwards let by him to one of the Rossers. He did not then come there so frequently as he had been before, but still he came occasionally, with reference particularly to the sea wall, and in the familiar conversations which took place on those occasions, particularly when he was taking refreshment, he spoke of his relations, the Morgans of Groeslanfro, who were known to the family of the Rossers. The Rossers would say, "How is it with respect to the Morgans of Groeslanfro, who we happen to know, what is your relationship to them?" It is very natural that that should occur while Mr Morgan was taking his refreshment, or waiting for his horse to be brought round. Those Rossers are perfectly disinterested, and you will hear from them a description which William gave with regard to his relationship to the Morgans of Groeslanfro. Then, gentlemen, in addition to this I shall have an opportunity of laying before you an old Welsh bible, in which there is some writing quite consistent with the case I have sketched to you; but I forbear to state

to you the contents of that bible until his lordship has decided whether it is admissible in evidence or not. Now, gentlemen, I will very shortly touch upon what I suppose will be the defendant's case. The defendant, Mr Nicholl, as I have told you, claims, I believe, through the female line; through one of the daughters of William Morgan, the husband of Eleanor. My friend will hardly rely I should think on possession. It is said that possession is nine-tenths of the law. This case proves the proverbiality of that saying to be true, for there can be no doubt that the possession of this property gives to the defendant a very great advantage, inasmuch as it gives him among other things the means of access to all the muniments and documents connected with the property. No doubt the defendant has searched all the registers, extracts from which we shall produce before you, and it is not impossible that he may be aware to a certain extent of the parol evidence which we shall be able to lay before you, nor is it impossible, that feeling the force of that parol testimony, he may feel that it is necessary to meet it by evidence tending to rebut it, either inferentially or positively, and that with that view he will bring forward what is called (and of which he has sent us a copy) a will and a deed, dated in 1741, those documents professing to be made by William, the great-grandfather of the intestate and the husband of Eleanor Morgan; and I am told that he will rely upon certain expressions contained in that will and deed, to show that William Morgan, the husband of Eleanor, had but one son, namely William Morgan, the grandfather of the intestate, and therefore he will say, "It is highly improbable that your great-great-grandfather could have been the son of that William Morgan, or he would not have made use of the expressions which are found in that will and deed." I believe that what they rely on in the will is that he makes no mention of any second son, and that in the deed of gift (which is rather a singular production) he mentions William Morgan as being his only son and heir, and what they would say is, that his mentioning William Morgan, as his only son and heir, excludes the possibility of his having any other son, and therefore that John Morgan, through whom the plaintiff claims, could not have been the person we assert him to have been upon the parol testimony to which I have alluded. Even if that will and deed do contain the expressions to which I have adverted, those expressions prove nothing positively. It is all inferential. If my lord shall hold those documents to be admissible in evidence, as he will if they are proved to come out of proper custody, and to be altogether unobjectionable as evidence in point of law, I shall have the opportunity of offering to you some remarks upon them at the close of the case, and therefore I do not propose to detain you now by commenting upon them, and I only refer to them now to prevent my friend from saying that he having furnished us with copies of those documents, I have made no remark upon them. It will be open to me when they shall have been given in evidence to make such remarks as appear to me legitimately to arise upon them, and therefore I will not at present further advert to them. Now, the defendant, as I have told you, is in possession. There is one remark which I ought not to omit to make, and that is, that a copy of the deed of 1741, and which they say is of so much importance as to be a complete answer to the plaintiff's case, was sent to us with a letter from Mr Waddington, the defendant's attorney. It is addressed to Mr Tanner, the attorney for the plaintiff, and is in these terms:

"Dear Sir,—Not having heard from you so long, I supposed the claim of the plaintiff had been dropped. I was therefore a little sur-

prised the other day to find that the defendant, without any previous intimation to me, had been served with an ejectment, which if you had been good enough to forward to me I would readily have given my undertaking to appear to."

"As it is, I think it right to mention for your guidance, in continuing the proceedings, that the statement which I have already made to you, namely, that the intestate's grandfather had no brother, will be found to be correct, and among other circumstances which go to show this, is a written document, which at the time of our correspondence I had myself not seen, being mislaid."

Now, it is certainly very odd, if this document is of the importance that those who instruct my friend say it is, that that expression should have been used by Mr Waddington, who is a remarkably skilful man in his profession. He says this document was mislaid, "but which Mr Nicholl's father has laid his hand upon since the ejectment was brought, and which confirms such statement, in my opinion, beyond dispute." Certainly, it is an odd thing if this document is of the great importance that they say it is, that that expression should have fallen from Mr Waddington, and that a document of that sort should not have been subjected to the consideration of the plaintiff, or his adviser, at an earlier stage of the inquiry.

I have told you that the defendant took possession of this property, immediately upon the death of the intestate. He took possession the very night the lady died. She died in the afternoon of the 29th of September, 1854, at Clifton, and on that very night (I suppose the information could only have reached Mr Nicholl by telegraphic message) upon that very night, in the evening, after nightfall, two of the Mr Nicholls took possession of the house and property. Of course they were entitled to make the best use they could of time and circumstances for their own advantage; but considering that Mr Nicholl only claims as heir through the female line, I think (without wishing to make any invidious or harsh remark) it was rather sharp practice to take possession the very night the lady died. She died at a very considerable distance; but on the very night of her death they took possession of the property, and of all papers, documents, deeds, and muniments of title upon the premises. I do not suppose, for one moment, that Mr Nicholl would make any improper use of those documents, or suppress anything that he knew would be beneficial to the investigation of truth; but when a man gets possession of property, and finds he can rely upon that possession against other claimants, he is apt not to be so rigorous in his searches as he otherwise might be, and to be satisfied with a superficial examination of the various papers that came into his possession. If he finds documents similar to those which were transmitted to us, called a will and a deed, he says, "Those documents are sufficient for my purpose; I need not be very particular in investigating further;" whereas, possibly, if he did investigate further he might find something inconsistent with those documents. I do not impute anything like improper conduct to Mr Nicholl, but it is human nature itself to rest satisfied with what you consider a good possession, and Mr Nicholl, finding these documents, may not have thought it necessary to make a close and careful examination of the other documents that came into his custody.

I have given you now a sketch of the case of the claimant. I do not think it is my duty to open to you the details of that evidence, because, in the first place, I think it would be improper in me to pre-occupy your minds by statements of what I am instructed my witnesses will

prove, when possibly an undue inference might be drawn from them, tending to prejudice the fair investigation of the case; and, secondly, because I shall have an opportunity of addressing you when the whole of my evidence shall have been laid before you, and when my friend shall have adduced such evidence as he thinks fit, or is able to produce in support of the case of his client, Mr Nicholl. I think that under these circumstances it would be unwarrantable in me to take up your time any further at present; and, therefore, having given you a sketch or outline of the case, which we mean to lay before you, we will proceed now to call our witnesses.

MR WHATELEY. I think it would be convenient in this case, if the witnesses on both sides are directed to leave the Court until they are called.

THE JUDGE. Let the witnesses on each side leave the Court until they are called.

MR SERJEANT PIGOTT. We will begin, my lord, with Rachel Morgan, the intestate, and go up till we come to the common ancestor. My friend, Mr Whateley, will not require us, I suppose, to prove that Rachel, the intestate, was the sister of William Morgan, who died in 1843.

MR WHATELEY. You had better give us the dates.

MR SERJEANT PIGOTT. We are in a condition to prove that Rachel Morgan, the intestate, died on the 29th of September, 1854.

MR WHATELEY. There is no doubt about that.

MR SERJEANT PIGOTT. She died unmarried, she having been born in 1785.

MR GRAY. No, we do not admit that.

MR SERJEANT PIGOTT. That she was the sister of William Morgan, who died on the 4th of June, 1843, a bachelor, and that she was the daughter of John Morgan, of Graigwith, who died on the 19th of May, 1806; that her mother's name was Rachel Evans.

MR WHATELEY. When do you say John was born?

MR SERJEANT PIGOTT. I have not said when he was born, but he died in May, 1806.

MR WHATELEY. When did Rachel Evans die?

MR SERJEANT PIGOTT. In March, 1824. That John Morgan, of Graigwith, had one brother named William Morgan, who died a bachelor in August, 1823. That those two, John and William, were the sons of William Morgan, of Mamhilad, and Rachel Jones. Rachel Jones was one of the co-heiresses of John Jones, of Graigwith.

MR GRAY. That is not so.

MR SERJEANT PIGOTT. I do not know that it is material to the pedigree.

THE JUDGE. I had better not take that at present.

MR GRAY. It is clear he was not.

MR SERJEANT PIGOTT. That William Morgan, of Mamhilad, died on the 5th of September, 1772, and that he was the son of William Morgan and Eleanor. Eleanor's maiden name was Morgan. We might call that William Morgan the common ancestor. My friend has called him the husband of Eleanor.

THE JUDGE. Why should you not call him the common ancestor, because both parties claim from him, do they not?

MR SERJEANT PIGOTT. Yes, my lord, both parties claim from him. And, my lord, the common ancestor was the son of one Edmund Morgan.

MR KEATING. No, we do not admit that.

MR PHIPSON. You have not stated when Anne, the intestate's sister, died.

MR SERJEANT PIGOTT. The intestate had one sister, Anne, who died unmarried in 1851.

MR WHATELEY. Have you proof of the marriage of John Morgan and Rachel Evans?

MR SERJEANT PIGOTT. Yes, we have got the register.

MR WHATELEY. Give us the date from the register. That is all I want.

MR SERJEANT PIGOTT. The 23d of January, 1784. They were married at Bristol, or in the neighbourhood of Bristol.

THE JUDGE. Am I to consider these as admissions?

MR WHATELEY. I believe there is no dispute upon these facts.

THE JUDGE. We had better not go on without their being admitted or proved.

MR WHATELEY. Up to that point, my lord, there is no dispute between us. It may be necessary for us to show some dates, but I believe that what my friend has stated as to the pedigree is accurate.

SERJEANT PIGOTT (to Mr Whateley). May I take it that Jacob Morgan, the claimant, is the son of Isaac and Anne Williams?

THE JUDGE. I see there is a great deal upon the pedigree that is superfluous.

SERJEANT PIGOTT. Yes, my lord, it may be important with reference to some declarations by-and-bye. We do not propose to touch the red ink.

MR WHATELEY. I am anxious to admit this; but I want a copy of your pedigree.

THE JUDGE. You (Mr Serjeant Pigott) had better give Mr Whateley a copy of all that appears in black ink.

SERJEANT PIGOTT (to Mr Whateley). Shall I prove that Jacob Morgan, the claimant, was baptised?

MR WHATELEY. That I do not know anything about.

SERJEANT PIGOTT. I will prove that by a living witness. We have an interpreter here, my lord. He had better be sworn. Our witnesses speak Welsh.

(Mr David Robert Williams is sworn truly to interpret the evidence.)

HARRY MORGAN, sworn and examined through the interpreter, by
MR SERJEANT PIGOTT.

Q. How old are you?

A. Eighty-six.

Q. Where did you live when you first remember?

A. At Groeslanfro.

Q. Is that in the parish of Bassaleg?

A. Yes.

Q. In this county?

A. Yes.

Q. What was your father's name?

A. Edmund Morgan.

Q. Did he live at Groeslanfro?

A. Yes. There he was born.

Q. Were you the son of a second marriage of your father?

A. Yes.

Q. What was your mother's name?

A. Mary Davis.

Q. What was your grandfather's name?

A. John Morgan.

Q. And your grandmother's ?

A. I cannot say.

Q. Did you ever remember your grandfather or grandmother ?

A. No.

Q. Neither ?

A. Neither.

Q. Did you ever hear your father say what his mother's name was ?

A. Diana.

THE JUDGE. I thought he said he could not tell his grandmother's name.

MR WHATELEY. Yes, he did my lord.

MR ALEXANDER. But he said that he heard his father say what her name was.

SERJEANT PIGOTT (to the witness). You never knew Diana yourself ?

A. No.

THE JUDGE. Probably he meant her maiden name. It may be reconciled by his not knowing her surname, but having heard her Christian name.

SERJEANT PIGOTT. How many brothers and sisters had you ?

A. Three sisters and two brothers.

Q. Are Amy Evans and Anne Evans the only two you have left ?

A. Yes.

Q. Do you know the name of your father's first wife ?

A. Diana.

Q. Do you know the name of Edmund Morgan, your father's first wife ?

A. Diana.

Q. The wife he had before he married Mary Davis ?

A. Diana.

Q. What was her surname ?

A. He says, "I am wrong, the first wife of my father was Anne White."

Q. Had you a half-brother of the name of William ?

A. Yes ; from the first wife.

Q. Was he the eldest child of the family ?

A. Yes.

MR WHATELEY (to Mr Serjeant Pigott). Do not lead him now a great deal if you please.

SERJEANT PIGOTT. Who did he marry ?

A. He cannot say, indeed.

Q. Was he married ?

A. Yes.

Q. Had he a son ?

A. Yes.

Q. What was his son's name ?

A. Isaac Morgan.

Q. Did Isaac marry ?

A. Yes.

Q. Had he a son ?

A. Yes, he had seven in all.

Q. Is Jacob the eldest ?

A. Yes.

Q. Is your father dead ?

A. Yes, many years.

THE JUDGE. What was his father's name ?

SERJEANT PIGOTT. Edmund.

THE JUDGE (to the Interpreter). Just ask him again what was his father's name.

A. Edmund Morgan of Groeslanfro.

SERJEANT PIGOTT. Is your half-brother William dead?

A. Yes.

Q. What is become of Isaac?

A. He is dead.

SERJEANT PIGOTT. I propose not to examine this witness any further at present, but to call him by-and-bye to prove some declarations which will come in better at another part of the case.

THE JUDGE. I should strongly advise you to take him while he is here.

MR ALEXANDER. We will call him very soon, my lord. I think it will be more convenient not to examine him at present.

DANIEL JONES sworn.—Examined by Mr PHIPSON.

Q. Are you a collier at Cwmcarne?

A. He says he speaks Welsh, but he will speak in English, he says, if he has time and fair play.

MR WHATELEY (to the witness). You shall have both.

MR PHIPSON. You are a collier at Cwmcarne?

A. Yes, I have been for some years.

Q. Did you know Miss Rachel Morgan?

A. Yes.

Q. Of Pantygoitre?

A. Yes.

Q. And did you know William Morgan, her brother?

A. Yes.

Q. And did you know John Morgan of Graigwith, their father?

A. No; he was dead before I remember.

Q. Did you know his wife or his widow,—the wife of John Morgan of Graigwith?

A. Yes.

Q. Did your father work for William Morgan, Miss Morgan's brother?

A. No, he worked for William Morgan's uncle.

Q. He worked for William Morgan of Mamhilad?

A. Yes, for fifteen years.

Q. Was that the uncle of William and the uncle of Rachel?

A. Yes, the father's brother.

SERJEANT PIGOTT. In the previous evidence the first William has only been called of Mamhilad.

MR PHIPSON. Was he the brother of John Morgan of Graigwith?

A. Yes, William Morgan was brother of John Morgan of Graigwith.

Q. When you knew Rachel Morgan and William, did Rachel and William live at Graigwith?

A. They all four lived at Graigwith,—the old woman, the two daughters, and the son.

Q. The old woman, that is Rachel, the wife of John, the widow of John, and her three children?

A. Yes.

THE JUDGE. Rachel the mother.

MR PHIPSON. Rachel Evans, the widow of John, lived at Graigwith?

A. Yes.

THE JUDGE. Rachel the mother, I will call her.

MR PHIPSON. And her three children lived with her?

A. Yes.

Q. Did you yourself work for William Morgan of Mamhilad, the brother of John?

A. Yes, I drove horses for him.

Q. How long did you work for him?

A. For three weeks or a month, or thereabouts.

THE JUDGE. This is William, the uncle?

MR PHIPSON. Yes, my lord.

Q. You say you knew William, the son of John?

A. Yes.

THE JUDGE (to Mr Phipson). It will be better if you describe them according to their relationship to the intestate, that will keep it all clear.

MR PHIPSON. You know William, the brother of Rachel, the intestate?

A. Yes.

Q. Have you ever heard that William say anything about his relations?

A. Yes, I have.

Q. What have you heard him say?

A. I heard him say that Edmund Morgan, of Groeslanfro, was his father's cousin.

THE JUDGE. Let him say that over again.

A. He said that Edmund Morgan, of Groeslanfro, was his father's cousin.

MR PHIPSON. Did he ever hear him say anything of any other of his relations besides that Edmund?

A. No, never; only the Groeslanfro family.

Q. Did you ever hear him speak of any other members of the Groeslanfro family besides Edmund?

A. No; only the children.

Q. That is just what I am asking him?

A. He said he knew his cousin William, of Groeslanfro, very well, the son of Edmund Morgan, of Groeslanfro.

Q. He said he knew him very well did you say?

A. Yes.

Q. Did you know Edmund Morgan, of Groeslanfro?

A. Yes; old Edmund Morgan.

Q. And did you know William, his son?

A. Yes; and I did know William's sister, by the name of Diana. Diana Morgan was her name before she was married.

Q. Had that William any other sister besides Diana that you remember?

A. Not the same father and mother.

Cross-examined by Mr WHATELEY.

Q. How long ago is it since you knew the William Morgan that you are speaking of, the brother of John, of Graigwith?

A. A good many years.

Q. Where were you living at the time you had the conversation you have spoken to with William Morgan?

A. At Tonybetha, near to Llangibby.

Q. How long did you live at Tonybetha?

A. Seven years.

Q. Were you married while you were at Tonybetha?

- A. No ; I was not.
- Q. How soon were you married after you left Tonybetha ?
- A. I was not very long before I was married.
- Q. How long ?
- A. About two years, I should think, or thereabouts.
- Q. What year were you married in ?
- A. In 1826.
- Q. Do you know the month ?
- A. Yes.
- Q. What month ?
- A. It was in June (referring to a paper).
- Q. You have got your marriage lines in your pocket, have you ?
(The witness hands the paper to Mr Alexander.)
- MR PHIPSON. The 3rd of June, 1826.
- MR WHATELEY (to the witness). Did you leave Tonybetha when you were married ?
- A. I left Tonybetha before I was married.
- Q. Do you remember being examined at Bristol ?
- A. Yes.
- Q. Did you not say there that you lived at Tonybetha until you were married ?
- A. No.
- Q. That you left when you were married ?
- A. No ; I left before I was married.
- Q. Do you mean to say you did not say "I left Tonybetha when I was married, and I was married in 1826."
- A. Yes.
- MR WHATELEY (to Mr Justice Willes). I do not know whether your lordship has the depositions which were taken at Bristol under a commission.
- MR ALEXANDER. His lordship would not have them ; the witnesses are alive.
- MR WHATELEY (to the witness). When did you first become acquainted with William Morgan of Graigwith ?
- A. When I was driving hoops on mules' backs out of some wood.
- Q. How long ago was that ?
- A. A good many years ; I do not remember what year it was.
- Q. What age were you at that time ?
- A. Indeed I cannot tell you what age ; not exactly.
- Q. As nearly as you can tell me, what age were you ?
- A. I might be about fifteen or sixteen.
- Q. When you drove these hoops upon mules' backs ?
- A. Yes.
- Q. Did you know William Morgan then well, of Graigwith ?
- A. That was the first time as ever I saw him when I was driving hoops out of that wood.
- Q. What was he doing ?
- A. Doing nothing, only walking about, as I know of.
- Q. Were you intimate with him ?
- A. Yes I became a great friend of his'n.
- Q. You knew him well, did you ?
- A. Yes ; very well.
- Q. How often did you see him, do you think ?
- A. I see'd him very often sometimes ; sometimes two or three times a day.
- Q. Did he always talk to you of this relationship ?
- A. No ; not always.

- Q. How many times did he mention it to you do you think?
 A. He mentioned it to me several times.
 Q. How many times do you think?
 A. Three or four times.
 Q. How often did you see him about that time?
 A. Oh dear me I cannot say that; I have seen him many times;
 the same as I said before; I said I saw him a hundred times.
 Q. Where did this conversation take place?
 A. On the road, and in many places.
 Q. On the road between what places?
 A. Between Tonybetha and Pontypool.
 MR ALEXANDER. He said on the road and in many other places.
 MR WHATELEY. Then he must have mentioned it to you many times.
 A. Yes; several times.
 Q. How many times should you say?
 A. I cannot say how many times.
 Q. A hundred?
 A. No.
 Q. Fifty?
 A. No; not so many as that.
 Q. Twenty?
 A. No; not so many as that.
 Q. Twelve times?
 A. No; not so many as that.
 Q. Half-a-dozen times?
 A. It might be.
 Q. Where was William Morgan living at that time?
 A. At Graigwith.
 Q. And where were you living during that time?
 A. At Tonybetha.
 Q. For how many years?
 A. Seven.
 Q. Did you live there the whole seven years that William Morgan
 you say was living at Graigwith?
 A. Yes, very nearly the whole; I might have been a month
 away.
 Q. But otherwise you were there the whole time, were you?
 A. Yes.
 Q. Do you mean to say that you were on very intimate terms with
 William Morgan at that time?
 A. Yes.
 Q. Were you familiar with him?
 A. Sir?
 Q. You know what I mean; were you quite familiar with him?
 A. Yes; the same as if he was my own brother, and more so, be-
 cause I saw him oftener than I did my own brother.
 Q. Were you working there at weekly wages?
 A. Yes.
 Q. Whom did you work with?
 A. Isaac Williams; Isaac of Cefnila they used to call him.
 Q. William Morgan at that time had been sheriff of the county, I
 believe?
 A. Not in my time.
 Q. Had not the gentleman with whom you say you were more
 intimate than you were with your own brother, been high sheriff for
 the county?

A. He was not at the time when I was at Tonybetha.

Q. But before you went to Tonybetha?

A. I do not know.

Q. Have you never said that he was high sheriff before that time?

A. I do not know.

Q. Did you not say so at Bristol?

A. No; I did not. I never said such a thing. I said William Morgan, the uncle, was the sheriff.

Q. Did you not say when you were examined at Bristol, "I lived at Tonybetha about seven years in all; he (that is, William Morgan) was not high sheriff of the county at the time I left Tonybetha, he was high sheriff before that?"

A. No; that expression never came out of my mouth. I never knew him to be high sheriff.

Q. Just attend again to what I am reading.

MR JUSTICE WILLIAMS (to Mr Whateley). Let me see the deposition? (It is handed to his lordship.) The statute requires that it should be either shown to the witness or handed to the Court.

MR WHATELEY. Attend to my question. Did you not say at Bristol that William Morgan, of Graigwith—You said you were as intimate with him as with one of your own brothers; did you not afterwards say, "He was not high sheriff of the county the year I left Tonybetha; he was high sheriff before that?"

A. I never said no such thing.

Q. Did you not say also, "I do not know how long, but I remember he was high sheriff before that?"

A. That was his uncle.

Q. I am asking you as to what you said at Bristol?

A. That is not right; I know what I said at Bristol very well.

Q. Did you then get your living by working?

A. Yes; I did.

Q. How did you become acquainted with William Morgan?

A. Have I not told you before?

Q. Tell me again; do not be affronted with me; how did you become acquainted with William Morgan?

A. I did use to work for him.

Q. What sort of work?

A. Carrying lime and coal.

Q. Was the man you carried lime and coal for the man you were so intimate with?

A. Yes.

Q. When you lived at Tonybetha?

A. When I lived at Tonybetha.

Q. That was William Morgan the brother of John, was it?

A. No; William Morgan, of Graigwith.

MR ALEXANDER. The brother of Rachel.

MR WHATELEY. The brother of Rachel?

A. Yes.

Q. Do you remember when he died?

A. No, I do not.

Q. Had you often used to travel with him.

A. I travelled with him mostly every Saturday.

Q. Where?

A. To Pontypool.

Q. Did he live at Mamhilad at that time?

A. No.

- Q. At Graigwith?
- A. Yes.
- Q. Is Graigwith a fine house?
- A. Yes.
- Q. And was he a gentleman who lived there, and kept a large number of servants and horses and carriages?
- A. Yes, he was. I never saw a carriage.
- Q. But servants and horses?
- A. Servants and horses, and cows and sheep.
- Q. How many times do you think you have travelled with him?
- A. I said a hundred times before; I have travelled with him more than that.
- Q. How many times will you say?
- A. I cannot say.
- Q. Tell me how many.
- A. I cannot say.
- Q. But more than a hundred times?
- A. Yes.
- Q. Was that during the seven years you were at Tonybetha?
- A. Yes.
- Q. Did you tell me where this conversation passed; you said it was between Pontypool and where, where was it?
- A. From Painswood common to Pontypool.
- Q. Travelling between Pontypool and Painswood?
- A. Yes.
- Q. When were the other times that he mentioned it to you? Did you say that that was the first time he mentioned it to you?
- A. No, it was not the first time.
- Q. Where did he mention it to you the first time?
- A. The first time was in the wood, by the house.
- Q. Was that when first you went to live at Tonybetha?
- A. No.
- Q. How long had you lived at Tonybetha?
- A. Several years.
- Q. When he first spoke to you?
- A. It was before then.
- Q. Before you went to Tonybetha?
- A. Yes; at the time I was driving hoops out of the wood; that was the first time he talked to me.
- Q. How long was that before you went to live at Tonybetha?
- A. Several years.
- Q. What age were you when he first mentioned it to you?
- A. About fourteen or fifteen.
- Q. What age are you now?
- A. I am going on for sixty-five.
- Q. That is fifty years ago then?
- A. Yes.
- Q. When were you first asked about this conversation, before this time, that you had with William Morgan of Graigwith?
- THE INTERPRETER. He does not understand your question he says.
- MR WHATELEY. When did anybody first speak to you about the conversation which you have now given us; when did you first tell anybody about it?
- A. It was when I was driving hoops.
- Q. When did you first tell that to anybody?
- A. Not long ago; about two years ago it is.

- Q. Was that the first time you had ever mentioned it?
 A. That was the first time.
 Q. To whom did you mention it?
 A. I believe it was to John Williams.
 Q. Who is John Williams?
 A. He lives in —
 Q. What is he?
 A. A working collier.
 Q. What had he to do with it; did he ask you about it?
 A. Yes.
 Q. He did?
 A. Yes.
 Q. What had he to do with it?
 A. He had some concern with it, I suppose about this here estate.
 Q. But I want to know what John Williams had to do with it.
 A. I do not know.
 Q. Was he any relation?
 A. No, I do not know that he was.
 Q. Have you had anything given to you, or anything been promised to you, if Jacob Morgan wins this trial?
 A. No.
 Q. You understand my question?
 A. Yes, I do.
 Q. Have you not had something promised to you?
 A. No.
 Q. Not by Jacob Morgan?
 A. No.
 Q. Or by anybody else for him?
 A. No.
 Q. Have you had any note?
 A. No; I have not got any note.
 Q. You have not got it?
 A. No; I never seed it.
 Q. Did you ever hear of one?
 A. No.
 Q. Nor any promise of one?
 A. No.
 Q. Do you know William Waters?
 A. Yes.
 Q. Did you ever tell him you had?
 A. No.
 Q. Did you have any talk with him about it?
 A. William Waters thought as he should have a note for himself, but I do not know what it was.
 MR ALEXANDER. I do not know that we have anything to do with what William Waters did.
 MR WHATELEY. I have got the note here (producing a paper).
 MR ALEXANDER. That does not make it evidence, and the observation is not a regular one to be introduced.
 MR WHATELEY. But you put it upon me.
 Q. What passed between you and William Waters is what I want to know?
 MR ALEXANDER. That is what I object to.
 THE JUDGE (to Mr Whateley). You cannot ask that.
 MR WHATELEY (to the Witness). Did you not tell William Waters that you had been promised a note, or that you had got a note for 300l.?

A. I will take my oath that I never said any such thing. I never saw a note for 300*l.* in my life that I know of.

Q. Were you promised one?

A. No; nor promised one.

Q. Do you know William Waters?

A. Yes, very well.

A. Do you mean to say that Jacob Morgan never promised to you a note for 300*l.*?

A. He never did.

Q. Do you not know that he deposited a note with William Waters for you?

A. I do not know nothing at all about the note.

Q. Do you not know that Jacob Morgan put into William Waters' hands a note for 300*l.* for you if he won the cause?

A. There (pointing to a person in court) is William Waters, and there (referring to the paper produced by Mr Whateley) is the note. I never had a note in my hand in my life.

Q. That is not the question. Did not Jacob Morgan put into his hands a note for 300*l.* for you, to be paid if he won the cause?

A. I do not know, indeed.

Q. Attend to what I am going to read to you.

THE JUDGE. You cannot read it.

MR PHIPSON. He says he never saw it.

MR WHATELEY. Did not William Waters speak to you about this note?

A. Yes, he has been speaking to me about some note, but I do not know what it was about; it is a thing between William Waters and him; I have got nothing to say about it.

Q. Between William Waters and Jacob Morgan?

A. Yes.

Q. Did you not buy the stamp for the note?

A. We bought two stamps, William and me, but I never had it wrote.

Q. What did you buy two stamps for?

A. I do not know what it was for; William Waters told me to do it.

Q. What did you buy the two stamps for?

A. I did not buy it for no use, not for myself.

Q. What did you buy them for?

A. Ask William Waters; there he is.

Q. What did you buy the stamps for?

A. For William Waters.

Q. For what purpose?

A. He wanted them; I do not know for what purpose.

Q. Did you pay for them?

A. I paid for one, and he paid for the other.

Q. Well, did he afterwards talk to you about it?

A. No. I never asked him about it; I did not think nothing about it.

Q. What was it you bought the stamp for?

A. I do not know. There is William Waters, you had better ask him what was his purpose to do it.

Q. I want you to tell me; I will ask him by and bye. What did you buy the stamp for?

A. I did not buy it for no purpose for myself.

Q. For what purpose did you buy it?

A. I did not buy it for no purpose.

- Q. Why did you lay out a sum of money for it?
- A. William Waters told me to do it.
- Q. And you did it?
- A. I did it.
- Q. And did you give it to him?
- A. Yes, I gave him the two stamps.
- Q. What did you pay for them?
- A. I do not know.
- Q. Did you not give a sovereign?
- A. No, I gave no sovereign.
- Q. Do you owe Morgan any money?
- A. Yes, I did owe him money.
- Q. How much?
- Q. For making a coat, was it not, William Waters (addressing the person in Court before referred to)?
- Q. Did Morgan owe you any money?
- A. No, he never owed me a penny.
- Q. When you bought the stamps did you put down a sovereign, and receive the change?
- A. No, I did not.
- Q. Did you ask Waters to ask Jacob Morgan, the plaintiff, what he was going to give you for your evidence?
- A. No.
- Q. Or anything of the sort?
- A. No.
- Q. Never?
- A. He told William Waters and another man as he would give William Waters and me a prize if he was to come into the estate; not to me he did not tell it, he told it to Thomas Lewis.
- Q. Was that before you bought the stamps—did you hear that before you bought the stamps?
- A. No, I do not think it was. I do not know, indeed, when it was.
- Q. Did you buy the stamps after you had heard that Jacob Morgan had said that?
- A. I do not know whether it was before or after.
- Q. When did you buy the stamps?
- A. Indeed I do not know.
- Q. Was it in the year 1855?
- A. I do not know, indeed.
- Q. You can remember, surely; *you remember a conversation, you know, that took place fifty years ago.* I want you to tell me when it was that you bought those two stamps?
- A. Indeed I cannot say.
- Q. Was it in August 1855?
- A. I do not know.
- Q. Not two years ago?
- A. I do not know.
- Q. Do you mean to say you do not know—whether it was ten years ago, or a year and a half ago?
- A. What time was it William, (addressing the person in Court before referred to)?
- Q. Where did you buy the stamps?
- A. At Pontypool.
- Q. You say you bought both stamps at Pontypool?
- A. William bought the two. William Waters bought the two stamps.

- Q. You said five minutes ago that you bought them.
 A. I did not say that I bought the two stamps.
 Q. You bought the one only?
 A. I said I paid for one stamp out of the two.
 Q. Who paid for the other?
 A. William Waters.
 Q. And did you see that he had the two stamps?
 A. Yes.
 Q. Who was Thomas Rogers?
 A. He is a collier at Abercarne.
 Q. Is he a friend of Jacob Morgan's?
 A. Not that I know of.
 Q. You know Thomas Rogers, do you not?
 A. Yes, very well.
 Q. Did you see him about August 1855?
 A. No, not I.
 Q. You never did?
 A. Yes, I have seen him many times.
 Q. And spoken to him?
 A. Yes.
 Q. About this cause?
 A. No.
 Q. Did you never speak to Jacob Morgan about this cause?
 A. No.
 Q. Do you mean to say that you never spoke a word in your life to Jacob Morgan about this cause?
 A. No, not about that cause.
 Q. Not about this paper, but about giving evidence?
 A. Yes, about giving evidence I have.
 Q. How often?
 A. Not many times. I do not know, indeed, how often.
 Q. About how many times?
 A. I do not believe I spoke to Jacob Morgan half a dozen times in my life.
 Q. When did you first speak to him about this cause?
 A. About two years ago.
 Q. About giving evidence?
 A. Yes; not to Jacob Morgan; it was to Williams I spoke.
 Q. When did you first speak to Jacob Morgan about it?
 A. On a Sunday, when I saw him in William Waters' house.
 Q. Was that before you bought the stamps?
 A. I do not know, indeed.
 Q. Remember; was it not before you bought the stamps that you saw him in William Waters' house?
 A. I do not know, I thought the stamp was for another purpose.
 Q. For what purpose? Tell me for what purpose it was.
 A. I thought to raise money.
 Q. On the note that was to be written on the stamp?
 A. Yes.
 Q. How much money did you think to raise on it?
 A. I thought to raise about 250*l.* upon it.
 Q. Who was to draw the note that you were to raise 250*l.* upon?
 A. Charles Edwards was to draw it, of Pontypool; it was for that purpose that I had the note.
 Q. It was for that purpose you bought the stamp?
 A. Yes.

Q. You had nothing at all to do with Jacob Morgan then ?

A. No ; not with that stamp.

Q. What did you buy two for ?

A. I did not buy two.

Q. Did you not give Waters money ; did you not know that he bought two ?

A. He bought a stamp for himself.

Q. What was that for ?

A. I do not know ; there he is, ask him.

Q. Was it mentioned, when Jacob Morgan was present, what the other stamp was for ?

THE JUDGE. You have proved the handwriting, and you have the observation.

Re-examined by Mr PHIPSON.

Q. When were these journies that you took with William Morgan ; when was the first time you went a journey or travelled with William Morgan ?

THE JUDGE (to Mr Phipson). I suppose you are going to dispose of the other matter first. Have you seen the document ; you had better look at it ; you ought to see it.

(The note produced by Mr Whateley is handed to Mr Phipson.)

MR PHIPSON (to the witness). Tell me, will you, about the buying of the stamp ; do you know when it was that you bought the stamp ?

A. No.

Q. How came you to buy it ?

A. William Waters and me were at Pontypool, and we bought one apiece.

Q. And you paid for one, and he paid for the other ; is that it ?

A. Yes.

Q. And what did you do with the one that you bought ?

A. William Waters had the two ; I never had them in my hands ever since.

Q. Did you ever see that stamp after anything had been written upon it ?

A. No, never in my life ; no, never, never in my life.

Q. What was it that you gave the stamp that you bought to William Waters for ?

A. I gave him the two ; I thought to have some money ; I thought to build a house.

Q. I think you said that Charles Edwards, of Pontypool, was to draw your note ?

A. Yes ; if I had the money.

Q. Was there anyone to draw it besides ; was anyone to join in it besides Edwards ?

A. Oh, yes.

MR KEATING. He did not say that Edwards was to join in it.

MR PHIPSON. He said that Edwards was to draw it out.

Q. When you say he was to draw it out, do you mean that Edwards was to sign it ?

A. To write it out ; he was to write it out.

Q. And who was to sign it for you to have the money ?

A. Why, my master.

SERGEANT PIGOTT. Who was he ?

A. Thomas Jones, of Abercarne.

MR PHIPSON. Why was your master to sign it ?

A. He was to be bail for the money.

Q. Had he agreed to lend you some money, or to draw this note, that you might raise some money to build your house?

A. No; I had a promise of the money from another man.

Q. Did you ever have any conversation with Jacob Morgan about anything that was to be paid upon that stamp?

A. No.

Q. Do you know whether Jacob Morgan ever did put anything upon it?

A. I do not know whether he did or no; I cannot say. I do not know nothing about it.

Q. You said you know Thomas Rogers, I think?

A. Yes.

Q. What is he?

A. A collier.

Q. Was he to have anything to do with this note?

A. Not that I know of.

MR WHATELEY. Rogers is a witness to it.

MR PHIPSON. Was Thomas Rogers to sign it, or to do anything with it, as far as you know?

A. I do not know.

Q. Do you know anything about the stamp or the note after you gave it to Waters?

A. I have not seen it from that day to this.

Q. Nor do you know anything that was done with the stamp?

A. No.

Q. Can you write?

A. No.

Q. Can you read?

A. I can read Welsh and English in print, but I cannot write.

Q. You cannot write yourself?

A. No.

Q. You say you went with William Morgan to Pontypool on Saturdays?

A. Yes.

Q. Was Saturday a fair day there?

A. No.

Q. Market day?

A. Yes.

Q. How old was William Morgan at the time you had this conversation with him do you think?

A. I do not know how old he was.

Q. About the same age as yourself?

A. I cannot say that.

Q. When you used to go to market with him on Saturdays, what age was he then?

A. I do not know.

Q. Should you say he was about your own age or not?

A. It was not very far either way I should think, but I do not know.

Q. Was he living at Graigwith when you had these conversations?

A. He was.

Q. How was it that you travelled with him; how did you travel with him?

A. I was driving coal.

Q. And was he riding on horseback?

A. Yes.

EDMUND THOMAS, called.

MR ALEXANDER. Is your name Edmund Thomas?

A. Yes.

Q. Do you understand English?

THE INTERPRETER. He says he speaks in Welsh.

MR ALEXANDER. That is not an answer. You (the Interpreter) had better interpret for him.

(The witness is sworn through the Interpreter.)

Q. How old are you?

A. Seventy-six.

Q. Where do you live?

A. At Bassaleg.

Q. Did you ever work at Graigwith?

A. No; he was there assisting them to sow wheat once.

Q. Were you there assisting in ploughing and sowing wheat?

A. Yes.

Q. Did you know the Miss Morgans, of Graigwith?

A. Yes.

Q. Was it for their father that you went to plough and sow wheat?

A. Yes.

Q. What was his Christian name?

A. Mr John Morgan.

Q. Had you your meals there when you assisted in wheat sowing?

A. Yes.

Q. Do you remember seeing Mr John Morgan while you were at dinner?

A. Yes.

Q. Did he ask you how you were going home?

A. Yes, sure.

Q. What did you say to him when he asked you that?

A. He said he was going by Groeslanfro, to the house of Mr James, and by the Church of Llangibby.

Q. Did he ask you to do anything as you went by Groeslanfro?

A. He asked me if I would be so good to call there and enquire after the health of the man at Groeslanfro.

Q. Who lived at Groeslanfro at that time?

A. He said it was his cousin.

Q. And what was the name of the man who had Groeslanfro?

A. Edmund Morgan.

Q. Did you go by Groeslanfro?

A. Yes, sure.

Q. And did you deliver a message there?

A. Yes, sure.

Q. What message was it he delivered at Groeslanfro?

A. He said that his cousin had sent to be remembered to him.

Q. What cousin?

A. John Morgan, of Graigwith.

Q. Did they give him any message at Groeslanfro to take back?

A. No; but the old man told me to tell his cousin that he was very much surprised that he had not been over to see him.

Q. Who was the old man that said that?

A. Mr Morgan, of Graigwith.

Q. And who was the old man of Groeslanfro?

A. The cousin.

Q. What was his name?

A. Edmund.

Q. Did you go the same way again another time?

Q. Had he agreed to lend you some money, or to draw this note, that you might raise some money to build your house?

A. No; I had a promise of the money from another man.

Q. Did you ever have any conversation with Jacob Morgan about anything that was to be paid upon that stamp?

A. No.

Q. Do you know whether Jacob Morgan ever did put anything upon it?

A. I do not know whether he did or no; I cannot say. I do not know nothing about it.

Q. You said you know Thomas Rogers, I think?

A. Yes.

Q. What is he?

A. A collier.

Q. Was he to have anything to do with this note?

A. Not that I know of.

MR. WEATHERLY. Rogers is a witness to it.

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A. No.

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A. Yes.

Q. Was Saturday a fair day there?

A. No.

Q. Market day?

A. Yes.

Q. How old was William Morgan at the time you had this conversation with him do you think?

A. I do not know how old he was.

Q. About the same age as yourself?

A. I cannot say that.

Q. When you used to go to market with him on Saturdays, what age was he then?

A. I do not know.

Q. Should you say he was about your own age or not?

A. It was not very far either way I should think, but I do not know.

Q. Was he living at Graigwith when you had these conversations?

A. He was.

Q. How was it that you travelled with him; how did you travel with him?

A. I was driving coal.

Q. And was he riding on horseback?

A. Yes.

EDMUND THOMAS, called.

MR ALEXANDER. Is your name Edmund Thomas?

A. Yes.

Q. Do you understand English?

THE INTERPRETER. He says he speaks in Welsh.

MR ALEXANDER. That is not an answer. You (the Interpreter) had better interpret for him.

(The witness is sworn through the Interpreter.)

Q. How old are you?

A. Seventy-six.

Q. Where do you live?

A. At Bassaleg.

Q. Did you ever work at Graigwith?

A. No; he was there assisting them to sow wheat once.

Q. Were you there assisting in ploughing and sowing wheat?

A. Yes.

Q. Did you know the Miss Morgans, of Graigwith?

A. Yes.

Q. Was it for their father that you went to plough and sow wheat?

A. Yes.

Q. What was his Christian name?

A. Mr John Morgan.

Q. Had you your meals there when you assisted in wheat sowing?

A. Yes.

Q. Do you remember seeing Mr John Morgan while you were at dinner?

A. Yes.

Q. Did he ask you how you were going home?

A. Yes, sure.

Q. What did you say to him when he asked you that?

A. He said he was going by Groeslanfro, to the house of Mr James, and by the Church of Llangibby.

Q. Did he ask you to do anything as you went by Groeslanfro?

A. He asked me if I would be so good to call there and enquire after the health of the man at Groeslanfro.

Q. Who lived at Groeslanfro at that time?

A. He said it was his cousin.

Q. And what was the name of the man who had Groeslanfro?

A. Edmund Morgan.

Q. Did you go by Groeslanfro?

A. Yes, sure.

Q. And did you deliver a message there?

A. Yes, sure.

Q. What message was it he delivered at Groeslanfro?

A. He said that his cousin had sent to be remembered to him.

Q. What cousin?

A. John Morgan, of Graigwith.

Q. Did they give him any message at Groeslanfro to take back?

A. No; but the old man told me to tell his cousin that he was very much surprised that he had not been over to see him.

Q. Who was the old man that said that?

A. Mr Morgan, of Graigwith.

Q. And who was the old man of Groeslanfro?

A. The cousin.

Q. What was his name?

A. Edmund.

Q. Did you go the same way again another time?

- A. Yes.
- Q. Did Mr Morgan, of Graigwith, send any message by him a second time to Groeslanfro?
- A. Yes, to ask how his cousin was.
- Q. Did he deliver that second message?
- A. Yes, sure.
- Q. Was this Mr Morgan, of Graigwith, the father of Miss Rachel and Miss Anne?
- A. Yes.
- Q. Did he ever hear Miss Rachel and Miss Anne say anything about the Groeslanfro people?
- A. Yes, many times; and respecting the boys too.
- Q. What boys?
- A. Henry and William, and Watkyn and John.
- Q. Whose sons were those boys?
- A. William, the son of Edmund, of Groeslanfro, by the first wife.
- Q. And who were Watkyn and Harry?
- A. Children of the second wife, and John.
- Q. And what was it that the Miss Morgans said about those boys?
- A. They were saying that they were second cousins.
- Q. Do you know Harry Morgan?
- A. Yes.
- Q. Have you seen him here to-day?
- A. Yes, he sees him often.
- Q. Has he seen him here to-day?
- A. Yes.
- Q. Is it the same Harry Morgan that he has spoken of that he has seen here to-day?
- A. Yes.
- Cross-examined by MR KEATING.
- Q. For whom were you working at the time that you took the message to Edmund Morgan?
- A. Powell, of Cefn llech, a tenant of Mr Morgan.
- Q. How old were you at that time?
- A. Fourteen.
- Q. Where was it that John Morgan gave you the message to take?
- A. In his own house.
- Q. Who was present at the time?
- A. The servants were there, and his master, now in his grave.
- Q. Anybody else?
- A. Only the family.
- Q. Who were the family?
- A. He does not recollect correctly; he was not much used to them at that time.
- Q. Were the daughters present?
- A. Yes, both.
- Q. Did either of the daughters say anything?
- A. No; they said nothing, except that the people of Groeslanfro were their second cousins.
- Q. Which of them said that?
- A. Miss Morgan, and Miss Anne also.
- Q. How old was Mr Morgan at that time?
- A. He cannot say.
- Q. Tell him to try to recollect how old he was?
- A. He never heard what his age was.
- Q. How long did he live at Mr Powell's?

- A. Two years.
- Q. And how long had he lived at Mr Powell's when he was sent this message?
- A. Half a year.
- Q. How old was Miss Anne when she said she was the first cousin?
- A. From eight to nine years of age, if she was so much.
- Q. Did she say that she was second cousin to Morgan of Groeslanfro once, or more than once?
- A. Yes, many times.
- Q. Before that time?
- A. Just about the time that we became acquainted with one another.
- Q. How many times should he say she told him that?
- A. He cannot know for certain, for he was so acquainted with her during the time that he was at Cefn llech that the conversation frequently passed.
- Q. Did she frequently say that she was second cousin to the Morgans of Groeslanfro?
- A. Yes, to both.
- Q. Did they both say that whenever he saw them?
- A. No; they were not always talking about the question; but whenever the subject was mooted they always mentioned it.
- Q. About how often will you say that they mentioned to you that they were related in that way?
- A. They might have said that ten or twelve times, from time to time.
- Q. Have you not said at Bristol that your age was thirteen when you were sent the message?
- A. Thirteen when he went there, and fourteen when he left. He repeats now that he was about twelve when he went, and about fourteen when he left; he was there about two years.
- Q. Did you not say at Bristol that Miss Anne, at the time when you were sent the message, was from ten to twelve years old?
- A. He cannot be certain that he said so, but that was what he judged it to be.
- Q. From ten to eleven?
- A. Yes.
- Q. What were you working at, at Mr Powell's?
- A. Driving horses.
- Q. A boy driving horses?
- A. Yes.
- Q. Did John Morgan tell you once, or more than once, that he was cousin to the Morgans of Groeslanfro?
- A. Yes.
- Q. Many times?
- A. Yes, many times.
- Q. Did he tell him anything more about his family affairs?
- A. Nothing to him, except saying that they were the children of the two brothers.
- Q. Did he tell him that many times?
- A. Yes; every time that they were speaking to him about it.
- Q. Was that many times?
- A. Yes, many times, he said.
- Q. During the time that you were with Powell were you occupied in driving horses? Was that your business?
- A. Yes.

DANIEL JONES, sworn.—Examined by MR SERJEANT PIGOTT.

- Q. Have you lived in the parish of Trevethin all your life?
 A. All my lifetime.
 Q. How old are you?
 A. Above eighty.
 Q. What are you? Are you a collier?
 A. I have been a collier for many years.
 Q. Did you know John Morgan, of Graigwith?
 A. I did.
 Q. The brother of William?
 A. I did.
 Q. And did you know William Morgan, also the brother of John?
 A. Yes.
 Q. Did you know Edmund Morgan, of Groeslanfro?
 A. I did.
 Q. Did you know him well, or only slightly?
 A. I see him now and then. I have seen the three cousins all together; they were three cousins all together, as they told me.
 Q. Have you seen them together?
 A. Yes.
 Q. Who told you they were cousins?
 A. Mr White, of Pontypool.
 Q. I thought you said they told you they were cousins?
 A. I saw them at Mr White's, at Pontypool, and they told me they were cousins.
 Q. Who were cousins?
 A. Those three.
 Q. Cousins to whom?
 A. Cousins to one another.
 Q. Which of them said that?
 A. Mr Morgan, of Mamhilad.
 Q. That is William Morgan?
 A. William, of Mamhilad.
 Q. Was Mr White any relation of theirs?
 A. He was a cousin.
 Q. He was the person at whose house you saw them; it was at White's you saw them?
 A. Yes; I saw them many times at Mr White's, at Pontypool.
 Q. Did Mr White ever say anything about them?
 A. He told me they were cousins.
 THE JUDGE. That I do not take at present.
 SERJEANT PIGOTT. You have it already, my lord, that the Morgans themselves said that Mr White was their cousin.
 Q. Did either of the Morgans ever say that Mr White was any relation?
 A. They always called Mr White cousin.
 Q. Which of them have you heard call Mr White cousin?
 A. William Morgan.
 Q. Of Mamhilad?
 A. Yes.
 Q. Have you ever heard Mr White say anything about what relation Edmund was to William of Mamhilad?
 A. Cousin.
 Q. You have heard Mr White say that?
 A. Yes.

- Q. Do you remember when John was married—John Morgan ?
 A. I heard talk of it. I was very young then.
 Q. You do not know who he married, then ?
 A. He married the maid, I heard.
 Q. Who did you hear it from, do you remember ?
 A. I heard an uncle, a brother to my father.
 Q. Did you ever see that John Morgan and Edmund Morgan together ?
 A. I did.
 THE JUDGE. All I have taken down at present is : "I was young when John Morgan married a maid." I have nothing after that.
 SERJEANT PIGOTT. It is the same John he has been speaking of ; but I do not know that it is important to repeat it.
 Q. I do not know whether you remember seeing him with Edmund after he was a married man ?
 A. Yes.
 THE JUDGE. I do not know who John Morgan was.
 MR ALEXANDER. Who married the maid.
 SERJEANT PIGOTT. It is merely as to the time ; it is the same John Morgan, the brother of William.
 Q. That John Morgan you have been talking of was the father of Rachel, was he not ?
 A. Yes.

Cross-examined by Mr GRAY.

- Q. Do you recollect the time when John Morgan was married very well ?
 A. I heard talk of it.
 Q. Do you recollect the time very well.
 A. Yes, I heard talk of it.
 Q. Had you seen John Morgan and Edmund Morgan in Mr White's shop before the marriage ?
 A. I did.
 Q. Had you seen them there many times before the marriage ?
 A. I cannot say how many times.
 Q. When you heard of the marriage, did you hear that he had married the servant maid ?
 A. Yes.
 Q. Did you see them after the marriage together in Mr White's shop ?
 A. Many times.
 Q. Many times after the marriage ?
 A. Yes.
 Q. How long have you recollected that you saw them many times after the marriage at Mr White's shop ?
 A. I saw them together many times.
 Q. After the marriage ?
 A. Yes.
 Q. In Mr White's shop ?
 A. Yes.
 Q. Did you say, when you gave your evidence at Bristol, that you did not recollect seeing Edmund Morgan there with John after the marriage ?
 A. I did see them.
 Q. You gave evidence, did you not, at Bristol ; you were examined as a witness there ?

A. Yes.

Q. Did you not then say that you did not remember ever seeing Edmund and John together at White's shop after the marriage?

A. I did see them many times. No, I did not.

Q. You did not say so?

A. No.

A. Did you not say this—"I saw Mr John Morgan and Mr Edmund Morgan together at Mr White's at Pontypool. I have seen them together many times; I have seen them together after the marriage, but I do not remember seeing Edmund Morgan with him there after the marriage?"

A. Yes; many times.

Q. I am not asking you as to the fact, but as to what you said at Bristol. Did you not say at Bristol you did not recollect seeing Edmund Morgan at the shop with John Morgan after the marriage?

A. I did see him many times.

Q. Did you say that you did not—that is my question?

A. No.

Q. You did not say that you did not?

A. No.

Q. What was it that used to take you to Mr White's shop when you saw Edmund Morgan and John Morgan together?

A. I went there for change.

Q. How old were you then?

A. Seven or eight and twenty.

Q. When you used to go to Mr White's shop for change you were 27 or 28?

A. Yes.

Q. And it was then, was it, that you saw Edmund Morgan and John Morgan together at the shop?

A. Many times.

Q. When you went for change; was it when you went for change?

A. Yes.

Q. When you were 27 or 28?

A. Yes.

Q. When was it that you first heard anything of the relationship of Edmund Morgan to Mr Morgan of Graigwith?

A. I cannot tell what date it was.

Q. At what time?

A. I knew it for a number of years.

Q. When did you first know it?

A. I do not know; when I was 15 or 20 years of age; I did know them very well 70 years ago, when I was ten or twelve years of age?

Q. When you gave your evidence at Bristol, did you not say that it was in 1804 that you first heard they were cousins?

A. I went for change in that year; I knowed it before then.

Q. My question is, did you not say that it was in 1804 that you first heard they were cousins?

A. I did know that before.

Q. Did you not say at Bristol that it was in 1804 that you first knew they were cousins?

A. No, I did not.

Q. Did you not say this—"I did see Edmund Morgan in White's shop after the marriage many times, but I do not recollect seeing Mr John Morgan there with him after it,"—that is the same thing over again—I will not trouble you about that. Who was it that told you

about this relationship? Did either of the Morgans ever speak to you about the relationship? Did either John Morgan or Edmund Morgan tell you of this relationship?

A. Mr White told me they were cousins.

Q. I am asking whether either of the Morgans told you?

A. Morgan of Mamhilad did say they were all three cousins; I am a Welshman, and cannot talk everything plain.

Q. Did you ever say before that Morgan of Mamhilad had said so?

A. Oh, yes.

Q. Did you say, when you were examined upon the subject at Bristol, that William Morgan of Mamhilad told you so?

A. He said so to me many times.

Q. When you were examined at Bristol about this matter did you say that?

A. I do not remember that I did.

Q. Then, if he told you of it so many times, why did you not tell it at Bristol; you knew it was an important matter. Why did you not tell it at Bristol?

A. I told what I did know then.

Q. Do you mean to say that Morgan of Mamhilad has told you anything since?

A. He has told me they were cousins; I knew that.

Q. I understand you do not mean to say you told this at Bristol?

A. I do not hear very well.

Q. You say now that William Morgan, of Mamhilad, told you many times they were cousins. Did you tell that when you were examined at Bristol?

A. Yes, I did say the truth; what I did know.

Q. Attend to the question. At Bristol, when you were giving your evidence upon this matter, did you say that William Morgan, of Mamhilad, had told you they were cousins?

A. Yes I did; I think I did say so.

Q. Will you swear that you did say so at Bristol?

A. Oh, yes; yes.

Q. You will swear it. Do you understand the question? Did you tell the gentleman at Bristol, before whom you gave your evidence, that William Morgan, of Mamhilad, had ever told you that he and Edmund were cousins?

MR ALEXANDER. I think it is so evident that this witness does not understand the question that he should be examined in Welsh.

MR GRAY. I have not the least objection.

(The cross-examination is continued through the Interpreter.)

Q. Did William Morgan, of Mamhilad, ever tell you that he and Edmund Morgan were cousins?

A. Two cousins.

Q. Did he say so? I will not have that answer.

A. Yes, more than once.

Q. Were you examined before the Commissioner at Bristol upon this case?

A. Yes.

Q. Did you, upon that occasion, say that William Morgan, of Mamhilad, had ever told you this about the relationship?

A. Yes; he said so in Bristol.

Q. In his evidence before the Commissioner?

A. Yes.

Q. Will you undertake to say that upon your oath?

A. Yes.

Q. Did you not say before the Commissioner at Bristol, "It was Mr White only who told me about the relationship,—neither John, nor William, nor Edmund Morgan?"

A. Mr White; many times.

Q. That is not the question. The question is, whether he, upon that occasion, said these words that I have read; whether he upon his examination said this—"It was Mr White only who told me about the relationship, not John, nor William, nor Edmund Morgan." The question is, whether he said that?

A. Mr White told me many times.

THE JUDGE. Did he or not say this before the Commissioner?

A. William Morgan, of Mamhilad, told me many times.

MR GRAY. He knows that is not the question.

A JUROR. Will your lordship allow me to ask him, through the Interpreter, whether he said at Bristol that neither of those ever told him?

THE JUDGE. If you please.

(The juror puts a question to the witness in Welsh, which the witness answered.)

THE JUROR. I asked him, my lord, whether he did not say in Bristol that neither John, nor William, nor Edmund, had ever told him they were related to each other, and he says he did not. I think it right to say every answer that has been interpreted hitherto has been quite correctly given, but I thought it would shorten the matter by putting the question in the way I did.

MR GRAY (to the witness). How old were you when you first saw Edmund Morgan to know him?

A. From ten to twelve years of age; he used to see him wearing a red shirt.

THE JUDGE. Who was from ten to twelve years of age at that time?

MR GRAY. The witness.

Q. Did you not say, in giving your evidence at Bristol, "I was over 20 when I first saw Edmund Morgan to know him?"

A. No.

Re-examined by SERJEANT PIGOTT.

Q. Which did you know first, John or Edmund?

A. William he knew first of them; he cannot recollect.

Q. Does he remember how old he was when he first knew John?

A. No; he cannot recollect.

Q. How old was he when he first knew William?

A. About eight years of age.

Q. Did you say at Bristol that they (that is, John and William, and Mr White) always said they were cousins?

A. Yes.

THE JUDGE. I am not taking this down; we shall hear it read by and bye.

MR SERJEANT PIGOTT. How old was he when he went for change?

A. About 27.

Q. Was that after the marriage?

A. I believe it was.

Q. How long; does he know how many years after the marriage it was that he used to go for change?

A. Several years; he cannot say how many.

Q. How old were you when you first heard of John Morgan's marriage with the servant maid?

A. He cannot recollect.

Q. Was he young?

A. He was young.

Q. I think you say you do not recollect the marriage yourself, but you heard of it?

A. I heard of it.

THOMAS DAVIS sworn, and examined by MR PHIPSON.

Q. What age are you?

A. I am going 78.

Q. Did you know Mr William Morgan of Mamhilad?

A. Yes.

Q. Did you know him well?

A. Yes.

Q. And did you know Mr William Morgan, his nephew, of Pantygoitre?

A. Yes.

Q. That is the son of John Morgan of Graigwith?

A. Yes.

Q. Did you ever hear William Morgan of Mamhilad speak of his relations?

A. Yes.

Q. What have you heard him say about Edmund?

A. I heard him say he was his cousin; that is what I heard him say.

Q. That is William of Mamhilad?

A. Yes.

Q. Where were you when you heard him say so?

A. In my father's house.

Q. How was it that William of Mamhilad came to your father's house?

A. I had been to take some sheep and cattle to a farm that he had about four miles off, and he came there to ask my father if he would spare one of us to go with him.

Q. And what led to this conversation; how came he to speak about Edmund?

A. I had been with him, and he came another time, and another man of the same name, Edmund—not Edmund Morgan—Edmund Jenkins, and when I went with him the sheep went through the wood, and I could not get them fast enough, and he threatened to beat me, for I was but young; and then he came the next time to ask if I would go, and I said, not with the same man. I asked my father to ask him who was going with me. I said, "I will not go with that man again;" so my father did ask Mr Morgan who was to go with me. "My cousin Edmund," said he; that is how I came to hear they were cousins.

MR JUSTICE WILLES (to Mr Phipson). I do not want to suggest anything, but I wish you would get him to repeat that.

MR PHIPSON. Just repeat what you said.

A. Mr William Morgan came to my father's house, and asked my father if he would let one of us go with him.

MR JUSTICE WILLES. Who was with Mr William when he first came?

A. Nobody but himself; the other man and a boy was on the road.

Q. What was the name of the other man?

A. His name was Edmund; I think it was Edmund Jenkins.

MR PHIPSON. He came and asked your father to let somebody go with him?

A. Yes.

Q. The first time he beat you, you say, for something?

A. No, he did not beat me, but he threatened to beat me; and when he came the next time, I said I would not go with the same man, and I told my father to ask who was going with me, and he said, "My cousin Edmund;" and then my father told him I would not go with the other man, and he asked why, and I told him.

Q. Did Edmund go with him?

A. Yes.

Q. What Edmund was that?

A. Edmund Morgan.

Q. Where did this Edmund Morgan who went with him live?

A. At Mamhilad, with Mr Morgan.

Q. When he said "My cousin Edmund," did he say anything else?

A. He asked me what was the reason I would not go with the other man, and I told him.

Q. Did you know Edmund Morgan of Groeslanfro?

A. I knew nobody but this Edmund Morgan; he was called Edmund Morgan of Groeslanfro, I believe.

Q. You say he was called so?

A. Yes.

Q. Who have you ever heard call him Edmund Morgan of Groeslanfro?

A. My grandfather. My grandfather was with Mr Morgan for nearly forty years.

Q. Which Mr Morgan?

A. Mr Morgan of Mamhilad.

MR JUSTICE WILLES. Where did this Edmund, the cousin, live?

A. With Mr Morgan, then at Mamhilad.

MR PHIPSON. Did you ever know him live at any other place?

A. No.

Q. Did you see this Edmund Morgan go with Mr Morgan of Mamhilad, to drive the sheep?

A. Yes.

Q. Did you go with them?

A. No.

Q. How do you know that this Edmund you speak of lived at Mamhilad?

A. I have seen him there many times.

Q. Have you ever seen him anywhere else?

A. No.

Q. Have you ever seen them helping to drive cattle on any other occasion than this?

A. I was with him three or four times.

Q. With whom?

A. With Mr Morgan, and this Edmund Morgan.

Q. Was he ever called Edmund of Groeslanfro when Mr William Morgan was present?

A. I do not know that he was.

MR JUSTICE WILLES. This witness has proved nothing, Mr Whateley.
MR WHATELEY. I think not, my lord; so I will not ask him a question.

JOHN ROSSER sworn, and examined through the interpreter
by MR ALEXANDER.

- Q. What age are you?
A. Going on his sixty-second year.
Q. What are you by trade?
A. I was brought up on a farm.
Q. Did he ever live at St Bride's when he was a young man?
A. He was born and bred there.
Q. How long did you live at St Bride's? Did you live there till you were married?
A. He lived there for thirty-seven years before he went out of the parish.
Q. Does he remember Mr William Morgan of Graigwith?
A. I remember William Morgan of Graigwith, and William Morgan the uncle.
Q. Did either of those gentlemen come to his father's house?
A. In my father's house I first saw them.
Q. Did Mr Morgan ever occupy any land at St Bride's?
A. He bought nine acres of land of Mr Phillips of Risca.
Q. And was that at St Bride's?
A. Yes.
Q. Which Mr Morgan was it?
A. William Morgan of Graigwith.
Q. Did he hold those nine acres in his own hands himself?
A. Yes.
Q. How long did he hold that in his own hands.
A. I cannot say exactly; but he kept it somewhere about four or five years.
Q. Did he come sometimes to look after the land?
A. Yes; he came there twice, perhaps, in the course of the summer.
Q. And where did he put up his horse when he came there?
A. At his father's house.
Q. Did he take refreshment at his father's house when he came to visit his land?
A. Yes, always.
Q. Did you know Morgan of Groeslanfro?
A. I did not know the old man.
Q. Did you ever hear your father speak to Mr Morgan of Graigwith about Morgan of the parish of Bassaleg?
A. Yes.
Q. Is Groeslanfro in the parish of Bassaleg?
A. Yes.
Q. Does he remember his father asking any question of Mr Morgan of Graigwith about Morgan of Bassaleg?
A. Yes.
Q. What was the question that your father asked Mr Morgan of Graigwith?
A. My father and Mr Morgan would talk about the family, and Mr

Morgan should say he had a cousin living at Bassaleg—William Morgan living at Groeslanfro.

Q. Did you know William Morgan, the son of Morgan of Bassaleg?

A. Yes; right well.

Q. And was it of that William Morgan that your father spoke to Mr Morgan of Graigwith?

A. Yes; and of his father too.

Q. Was that father Edmund?

A. Edmund of Groeslanfro.

Q. Did Mr Morgan tell your father what cousin he was to William Morgan of Bassaleg?

A. Yes.

Q. What cousin did he say he was?

A. They were two second cousins.

Q. Did he hear him say what relation old Edmund of Bassaleg was to Mr Morgan's father?

A. Yes.

Q. What did he say?

A. First cousin.

Q. After Mr Morgan stated that they were cousins, did your father say anything about assisting William Morgan of Bassaleg—giving him assistance?

A. Yes.

Q. What did he say about giving him assistance?

A. My father told him thus,—that it would not be much for him to render him assistance by a few pounds; it would do him much good.

Q. Does he mean it would do William much good?

A. Yes; William Morgan.

Q. What reply did Mr Morgan of Graigwith make?

A. He said that he would "remember him some time or other, Rosser."

Q. The witness's father was speaking to him?

A. Yes.

Q. Did you hear your father make more than one application for assistance to Mr Morgan for William Morgan of Graigwith?

A. Yes; two or three times.

Q. And did Mr Morgan on those occasions say anything more about the relationship than you have told us?

A. Nothing more or less than the same thing; that he was second cousin to him.

Cross-examined by MR KEATING.

Q. How old were you when you first heard Mr William Morgan speak of the relationship?

A. From twenty-seven to twenty-eight.

Q. Was it Mr Morgan the uncle or Mr Morgan the nephew who told him about the relationship?

A. The nephew.

Q. Did he know both the uncle and the nephew?

A. Yes.

Q. Was William Morgan of Mamhilad in the habit of going at the same time with his nephew—visiting at his father's house?

A. Only once.

Q. When was that?

A. When they were coming down to see the land bought of Mr Phillips.

Q. How old were you then?

A. From eighteen to nineteen.

Q. Did the Morgans hold the land bought of Phillips in their own hands, or did they let it?

A. They kept it in their own hands.

Q. The whole time that you knew them?

A. No.

Q. How long?

A. Somewhere between five and six years.

Q. Was that after they first took it—after they first bought it?

A. Yes.

Q. They held it in their own hands for the first five or six years after they bought it?

A. Yes.

MR ALEXANDER. I omitted to ask the witness whether they then let it to this witness's father.—Probably my friend will ask it.

MR KEATING. To whom was it let at the end of the five or six years.

A. He rented it to Mr Jeremy James.

Q. Did his father ever rent it—Mr Alexander wishes that question to be asked?

A. Yes.

Q. Was it whilst the land was in their own hands that Mr William Morgan used to come to Saint Bride's?

A. Yes; and after.

Q. Was anybody else present at those conversations that he has spoken to?

A. Yes; the conversation in his father's house you mean.

Q. Yes.

A. He had two brothers and a sister.

Q. The witness?

A. The witness.

Q. Where they present at these conversations or any of them?

A. Yes, in the same place—the same room as myself.

Q. Did Mr William Morgan say that he was a second cousin to Morgan of Groeslanfro every time his father applied to him for assistance?

A. Yes, to William Morgan of the Garth—not to Morgan of Groeslanfro, for Morgan of Groeslanfro was his uncle.

Q. Who was William Morgan of the Garth?

A. A son of William Morgan of Groeslanfro.

Q. Where is the Garth?

A. By the village of Bassaleg—close by.

Q. Were there any other persons besides his brothers and sister present at any of those conversations?

A. None,—but a servant, some man, and a servant maid; they were not present; they were in the kitchen.

Q. Were they not present on any of the occasions?

A. No.

Q. How many brothers and how many sisters?

A. Three, including himself and his sister that is here present.

THOMAS ROSSER sworn, and examined (through the interpreter)
by Mr SERJEANT PIGOTT.

- Q. Are you the brother of the last witness?
A. Yes.
Q. Were you living at home with your father when you were about eighteen or twenty years of age?
A. Yes.
Q. How old are you?
A. If he lives to see Whitsuntide he will be sixty-four.
Q. Do you remember Mr Phillips of the Risca coming to your father's house when you were eighteen or twenty years old?
A. Yes; right well.
Q. Who came with him?
A. Mr Morgan of Graigwith, and his uncle.
Q. It was William Morgan of Mamhilad.
A. William Morgan of Graigwith; his father was then dead, and his uncle was Morgan of Mamhilad.
Q. What did they come about?
A. To buy land of Phillips of Risca.
Q. Was that land on St Bride's Moor?
A. Yes.
Q. Which your father was occupying, I believe, under Mr Phillips?
A. No; not to the best of his knowledge; his father afterwards occupied it.
Q. Does he know whether Mr Morgan bought the land of Mr Phillips?
A. Yes; he knows that the land was bought.
Q. Did he occupy it himself; did Morgan occupy it?
A. Yes, for some time.
Q. How long did Mr Morgan of Graigwith occupy it?
A. He cannot say for certain, but it may be for two or three years; he cannot say.
Q. But whilst he occupied it did he come occasionally to look after it?
A. Yes; and when he came he always called at the witness's father's house and put his horse up there.
Q. How many times altogether does he think?
A. I cannot recollect how many times, for he was coming frequently in the summer.
Q. Did any one come with him?
A. I saw his uncle, at least what he called his uncle, with him once down there when he was passing on the land.
Q. When he has come to his father's house has he heard conversations between Mr Morgan and the witness's father?
A. Yes, many times.
Q. Was anything said about William Morgan of Bassaleg?
A. Yes.
Q. What?
A. I heard my father in conversation many times (for they were quite familiar with each other) say that the Morgans of Groeslanfro

and the Morgans of Cock-o'-north were relations;—that they and the Morgans of Graigwith were cousins.

Q. That what Morgans were cousins?

A. The Morgans of Groeslanfro and the Morgans of Graigwith.

MR JUSTICE WILLES. I do not understand this. "I heard my father say many times in conversation that the Morgans of Groeslanfro and the Morgans of Graigwith were distant relations at that time"—I have it.

A. It was the Morgans of Graigwith were making that remark in reference to the Morgans of Groeslanfro.

MR JUSTICE WILLES. His first statement was that his father said that in conversation.

THE INTERPRETER. No, my lord.

MR JUSTICE WILLES. You certainly said so; I particularly observed it and wrote it down at the time, you had better ask him again; I will strike out what I have written, and you had better ask him again.

MR SERJEANT PIGOTT. Who said they were cousins?

MR KEATING. He has not yet said they were cousins.

MR WHATELEY. They were distant relations.

MR SERJEANT PIGOTT. Who said they were distant relations?

A. Mr Morgan of Graigwith said that the Morgans of Groeslanfro were distant relations.

Q. Did you ever in any of the conversations hear it said what relations they were?

A. The Morgans of Groeslanfro and the Morgans of Graigwith were two first cousins.

MR JUSTICE WILLES. I presume he means Morgan of Graigwith's father.

THE INTERPRETER. He explains that the father of the Morgans of Graigwith and the Morgans of Groeslanfro were first cousins.

MR SERJEANT PIGOTT. Did you ever hear your father say to Mr Morgan of Graigwith anything about William Morgan of Bassaleg being in bad circumstances?

A. Yes, very well.

Q. William Morgan of Bassaleg?

A. Yes.

Q. What did he say?

A. That the old man was gone very poor—that he was got old, and it was very tight upon him.

Q. Did your father ever say anything about Mr Morgan of Graigwith lending him any help?

A. Yes; I heard my father say that he ought to assist him a little—that it was very poor upon him.

Q. What was said, if anything, in answer to that?

A. He laughed and said he would like to see him at a future time, and when he did see him he only asked him how he was;—he had some thoughts of going to sea.

Q. Did you know William Morgan of Graigwith well?

A. Yes, right well; and if he lived now he would not be three or four years older than myself, as I thought by his appearance.

Q. Did your father do work for him to a sea-wall?

A. Yes.

Q. Have you been to Mr William Morgan of Graigwith about that at any time?

A. Yes; to Graigwith, and nowhere else.

Q. What did you go about ?

A. Going there for money—payment for the work at the sea-wall.

Q. Was William Morgan's mother alive at that time, or was she dead ?

A. Yes ; the old lady.

Q. Was she alive or dead when he used to go to Graigwith ?

A. She was alive.

A JUROR. I wish to know whether William Morgan of Bassaleg and William Morgan of Cock-o'-north was the same individual.

[The Juror puts the question to the witness in Welsh.]

THE JUROR. He means that he is the same individual—that William Morgan of Bassaleg and William Morgan of Cock-o'-north is the same individual.

MR SERJEANT PIGOTT. Cock-o'-north is, I believe, a small farm ?

THE JUROR. Yes ; he says it is within less than a mile—near the Garth.

MR JUSTICE WILLES. It is a great satisfaction to know that there are gentlemen upon the jury who understand Welsh.

Cross-examined by MR GRAY.

Q. Were you acquainted with William Morgan of Cock-o'-north or Bassaleg ?

A. Not very well acquainted with him at that time, but he was acquainted with him in the latter years of his life.

Q. But did he know him by sight at that time ?

A. Yes ; I have seen him crossing down towards Sir Charles's house ; there I saw him first.

Q. When was that ?

A. Very many years since then.

Q. Was it before the time he has been speaking about ?

A. No, since then ; my father used to say thus—"There is a relation of the man at Graigwith."

Q. But was his father acquainted with William Morgan of Bassaleg ?

A. Yes, he believes, he was.

Q. You have spoken about these conversations—who began them—was it William Morgan of Graigwith or your father ?

A. My father and Mr Morgan in the house when they sat together.

Q. That is not an answer ; who began to speak about the relationship ?

A. My father was inquiring of him what Morgans they were, and he was inquiring of my father what Rossers we were.

Q. How did your father happen to take any interest in the Morgans of Bassaleg so as to ask questions about them ?

A. It was from the familiarity that subsisted between his father and Mr Morgan ; they were on friendly terms, and took the liberty of questioning one another.

Q. Are there not a great many Morgans in that country ?

A. Not many to his knowledge.

Q. Were there not other Morgans than the Morgans of Graigwith and the Morgans of Bassaleg ?

A. Not any as he knows of belonging to each other.

Q. I am not asking about Morgans belonging to each other, but are there not a great many persons of the name of Morgan, whether they belong to each other or not?

A. Except Sir Charles Morgan.

Q. What made his father feel any curiosity about the Morgans of Bassaleg?

A. He had accustomed to be a great deal with him, and seeing the world turn against him he felt interested in his affairs, the world turning against him—Morgan of Bassaleg.

Q. And was that the reason why he asked if he was any relation to William Morgan of Graigwith?

A. Mr Morgan of Graigwith had told my father that he was a relation, and the conversation went to show that the old man was gone very poor.

Q. Was it Mr Morgan of Graigwith who first mentioned the relationship?

A. Yes; it was from my father putting the question to Mr Morgan whether he belonged to the Morgans of Tredegar.

Q. That is Sir Charles Morgan?

A. Yes.

Q. And then he said he did not belong to the Morgans of Tredegar, but to the Morgans of Bassaleg.

A. The Morgans of Bassaleg were his family, and Groeslanfro.

Q. Was it his father who said that Morgan of Groeslanfro was grown old and poor?

A. His father said about William Morgan of Cock-o'-north—that he was grown old and poor.

Q. Was that William Morgan of Cock-o'-north old at that time?

A. Yes, he was advanced in age and poor.

Q. Had he any family at that time—any children?

A. He cannot say, but he knew his son some time afterwards—Isaac Morgan.

Q. Had he any children at that time.

A. He cannot say; he knew a son of his afterwards named Isaac.

Q. How soon afterwards did he become acquainted with Isaac.

A. I am acquainted with Isaac for upwards of twenty years or more than that.

Q. Does he know Isaac at this time, or any of his brothers or sisters if he had any?

A. Yes; if he were to see them.

Q. That is not the question—at the time of the conversations he has been speaking to?

MR ALEXANDER. He has already said "I do not know whether he had children then; I only knew his son Isaac afterwards."

MR GRAY. Did he know anything of the state of his family at the time of the conversations—William Morgan of Bassaleg?

A. No; he knew nothing at all of his family, no more than hearing his father talking about them; it was afterwards I came to know Isaac Morgan.

Q. Ask him if William Morgan of Bassaleg and his father ever used to visit each other—the witness's father?

A. The father went towards Bassaleg; they used to meet each other and shake hands one with the other always.

Q. Did he see him at his father's house?

A. No, never.

- Q. Were you ever at the house of William Morgan of Bassaleg?
A. Yes, when he lived near to Sir Charles Morgan's farm.
Q. When was that?
A. Many years since then; the old man only was then living; the old woman was buried.
Q. Was the time he was at William Morgan's house long after he was with his father and William Morgan of Graigwith?
A. Yes; after they went to live from Bassaleg it was that he was at the house of William Morgan.
Q. Who first spoke to him about giving evidence in this cause.
THE INTERPRETER. I cannot make him understand the question.
MR GRAY. Who spoke to him first about giving evidence here?
A. Jacob Morgan and himself were first talking about it when the paper was out stating that it was a point in dispute.
Q. What does he mean by saying "when the paper was out;" what paper does he refer to?
A. A paper was out for the nearest of kin.
Q. Then has he come here as a witness in consequence of having spoken with Jacob Morgan about it in the way he states?
A. I told Jacob Morgan the conversation I had heard between Mr Morgan and my father.
Q. And is that how they came to know that he could give evidence here?
A. Yes, sure.

Re-examined by MR SERJEANT PIGOTT.

- Q. Did your father rent a farm under Sir Charles Morgan?
A. Yes.
Q. Before the world turned, as you say, against William Morgan of Bassaleg was he a farmer?
A. Yes; as far as I can give an account of.

ANNE ROSSER sworn.

Examined (through the Interpreter) by MR PHIPSON.

- Q. What is your age?
A. I am seventy; in my seventieth year.
Q. Are you a sister of the last witness?
A. Sister to Thomas Rosser and John Rosser.
Q. Did you know Mr William Morgan of Graigwith?
A. I did.
Q. Do you remember his coming to your father's house to look after the land that he had purchased?
A. Yes; and in my father's house he was and his uncle.
Q. On any of these occasions did you ever hear Mr William Morgan say anything about his relations?
A. Yes.
Q. What have you heard him say?
Q. He said he had a cousin; Mr Morgan of Graigwith; at Bassaleg; he was keeping a little land at that time on the Garth.
Q. What did you hear Mr William Morgan of Graigwith say?
A. I heard him say that he was his cousin.
Q. You heard him say that who was his cousin?
A. Mr Morgan who lived in Bassaleg; William Morgan.

- Q. Have you heard him say this on more occasions than one?
 A. Yes, many times, but she cannot say how many times.
 Q. Did William Morgan of Graigwith come and take refreshment in your father's house when he called to see the land?
 A. Yes, sure; brought his horse there also.
 Q. Did he come often?
 A. Yes, very frequently at first of all; after my father had rented the farm of him he did not come so often.
 Q. Was it on those occasions that this conversation took place?
 A. Yes, sure; I was in the house and waited upon them, and heard all the conversation.

Cross-examined by MR WHATELEY.

- Q. How many years ago is it since you first heard Mr William Morgan speak of Morgan of Bassaleg?
 A. Nearly forty years; much of forty years.
 Q. Do you mean that every time he came he mentioned that he was a relation of Mr Morgan of Bassaleg?
 A. Ofttimes, but not always.
 Q. Was it her father that first mentioned it, or was it first mentioned by Mr Morgan?
 A. Mr Morgan; Mr Morgan said that he had a family at Bassaleg, and that William was his name, who was his cousin.
 Q. Was your father very intimate with Mr Morgan of Bassaleg?
 A. Yes.
 Q. Did she ever see Mr Morgan of Bassaleg at her father's house.
 A. No; never.
 Q. Is that which you have now told us all you ever heard Mr Morgan of Graigwith say?
 A. Yes; all I can now recollect.
 Q. How old did Mr Morgan of Graigwith appear to be at that time?
 A. Very young; younger than her.
 Q. But how old was he at that time?
 A. He appeared younger than I was then.
 Q. How old were you then?
 A. About twenty-four years of age.
 Q. You were twenty-four then?
 A. Yes, very near.
 Q. And how old was he?
 A. He was about very near the mark; she cannot say whether he was younger or older.
 Q. What does she mean by "Very near the mark."
 A. About the same age as herself.
 Q. Was she ever called upon to give an account of that conversation till very lately?
 A. No; not until lately; she was in Bristol; she gave her testimony there.
 Q. Who first asked you about it?
 A. A party came for her to take her to Bassaleg in the first instance; she did not know their business.
 Q. Who was that?
 A. Jacob Williams.

- Q. What had he to do with it ?
 A. She cannot say.
 Q. Where did you go to at Bassaleg ?
 A. To Mr Williams.
 Q. Does he live there ?
 A. Yes ; Mr Williams lives there.
 Q. Did she see Jacob Morgan there ?
 A. He was there with her.
 Q. Did Jacob Williams take down her examination ?
 A. Jacob Williams was there.
 Q. Did Jacob Williams or Jacob Morgan take down her examination in writing ?
 A. Yes.
 Q. Do you mean the Chancellor Williams ?
 A. It was in Bristol that the deposition was taken on paper ; Mr Williams, the Chancellor, took her deposition in the first instance.
 MR JUSTICE WILLES: Chancellor of what ?
 MR WHATELEY. I am informed that he is the Chancellor of this diocese.
 THE INTERPRETER. She was going to Bristol afterwards.
 MR WHATELEY. Was that the first time she was ever called upon to give an account of that conversation ?
 A. Yes.
 Q. Were her brothers with her ?
 A. Her brothers had been before her, but one brother, John, was with her ?
 Q. When was it that she went to have this examination taken at Bassaleg ?
 A. She cannot say.
 Q. About how long ago ?
 A. Several months since.
 Q. Five or six months, or less ?
 A. Between six and seven months at least.
 Q. Was that the first time that she was ever examined upon the subject ?
 A. That was the first time.
 Q. Was that the first time you saw Jacob Morgan on the subject ?
 A. She did not see Jacob Morgan ; Jacob Williams.
 Q. I asked her whether she saw Jacob Morgan ?
 MR PHIPSON. It was a mistake.
 MR WHATELEY. Was Jacob Morgan at Jacob Williams's when her examination was first taken ?
 A. Only Jacob Williams.
 Q. Have you seen Jacob Morgan upon the subject ?
 A. She did not see him till she saw him coming here.
 Q. When did she see him coming here ?
 A. She cannot say when he came here, but she did not see him till the day before yesterday.
 Q. Did you speak to him then upon this matter ?
 A. No ; on no occasion.
 Q. Do you know whether Jacob Williams is any relation to Jacob Morgan ?
 A. He is an uncle to him ; his mother's brother.

Re-examined by MR PHIPSON.

- Q. Did Jacob Williams take her examination at Bassaleg in the first place ?

- A. Yes.
- Q. And afterwards was she examined before the Chancellor at Bristol?
- A. Yes.
- MR JUSTICE WILLES. I understand her to say that the Chancellor first took her examination; I thought Jacob Williams was the Chancellor?
- MR PHIPSON. No, my lord; Jacob Williams, she says, is uncle to the plaintiff.
- MR JUSTICE WILLES. Then is there not a Chancellor Williams?
- MR PHIPSON. Yes, my lord.
- MR JUSTICE WILLES. Are Chancellor Williams and Jacob Williams different persons?
- MR PHIPSON. Yes, my lord, quite.
- Q. What was it that led to William Morgan speaking about his relations at your father's house?
- A. She cannot say.
- Q. At the time he said he had a family at Bassaleg, what was it that led to his saying that?
- A. She cannot say.
- Q. Do you remember your father asking any questions?
- A. Her father did not ask any questions to him, were it not that he said something; Mr Morgan.
- Q. Do you remember anything being said about the family of Sir Charles Morgan?
- A. No, nothing whatever.

WILLIAM ROSSER sworn. Examined (through the Interpreter)
by MR ALEXANDER.

- Q. How old are you?
- A. Seventy-eight.
- Q. What relation are you to Anne Rosser, who has just gone out of the witness-box?
- A. Not any.
- Q. How do you get your living?
- A. He got his living by working. He has saved a little to support him in his old age.
- Q. He is now living upon his savings?
- A. Yes.
- MR JUSTICE WILLES. Where does he come from?
- MR ALEXANDER. Where do you live?
- A. He lives near Bethesda Chapel, in Bassaleg.
- Q. Did you know a Mrs Chanies, who kept the lodge at Tredegar Park?
- A. Yes, right well.
- Q. Did you marry anybody who lived in that lodge?
- A. Yes, the servant—the cook.
- Q. When did he marry the cook from Mrs Chanies's lodge?
- A. In the year 1801.
- Q. Do you remember being at the lodge when Mr John Morgan of Graigwith called there?
- A. Yes, right well.
- MR JUSTICE WILLES. That is the father?
- MR ALEXANDER. Yes, my lord, the father of the intestate.

Q. Do you remember seeing Mr Morgan in the parlour of the lodge?

A. I did not see him in the parlour, but Mrs Chanies came out of the parlour and asked me if I should be likely to see Mr Edmund of Groeslanfro.

Q. And what did you say to that?

MR WHATELEY. At present this is not evidence.

MR ALEXANDER (to the witness). Did you go to fetch Mr Morgan of the Groes?

A. Yes.

Q. How far off was that from the Tredegar Lodge?

A. Very near a mile.

Q. Did you tell him who you came from?

A. Yes.

Q. Who did you tell him you came from?

MR KEATING. How is that evidence?

MR WHATELEY. I dare say it is my fault; but at present I certainly do not see how this is evidence.

MR ALEXANDER. It is an answer given in consequence of a message from John Morgan.

MR JUSTICE WILLES. All he has said is, that Mrs Chanies came out and asked if he was likely to see Mr Morgan of Groeslanfro; on which he says, "I went to fetch him."

MR ALEXANDER. But John Morgan was in the parlour with her.

Q. Did you receive a message from Mrs Chanies to go for Mr Morgan of Groeslanfro?

MR WHATELEY. Mrs Chanies should be here.

MR ALEXANDER. She is in her grave.

MR JUSTICE WILLES (to Mr Alexander). You may say, did Mrs Chanies come out and say something to you, and in consequence of that did you do so and so?

MR WHATELEY. I do not see, my lord, how that would make the answer evidence.

MR JUSTICE WILLES. I suppose this is some statement by Mr Morgan of Groeslanfro, as to who was his relative. We have been hitherto going through statements of deceased persons of the Graigwith family as to the people at Bassaleg being their relatives; I suppose they are now going to begin with statements of the people at Bassaleg that the Groeslanfro people were related.

MR ALEXANDER. Just so, my lord.

Q. You say you saw Mr Edmund Morgan at Groeslanfro; did you deliver him the message you received from Mrs Chanies?

A. Yes.

MR JUSTICE WILLES. This is Edmund Morgan, of Groeslanfro, the father of William?

MR ALEXANDER. Yes, my lord, the great-grandfather of the plaintiff.

Q. What did Edmund Morgan say when you delivered the message?

A. John Morgan of Graigwith is my cousin.

MR ALEXANDER. Now, my lord, I propose to ask the witness what the message was.

Q. When he gave the message, did he mention that it came from John Morgan of Graigwith?

A. Yes.

Q. And was it in reply to that that Edmund said, "John Morgan of Graigwith is my cousin?"

A. Yes.

Q. Did Edmund Morgan of the Groes go with the witness to Tredegar, or did he go back alone?

A. I went back alone, and said that he would come there in the course of that afternoon.

Q. Did you see them afterwards together at the lodge—Edmund and John?

A. No, he did not.

Q. Did you go often to the lodge at that time?

A. Yes, frequently—once a week.

Q. And did he often see Mr Morgan of Graigwith at the lodge?

A. No, he did not see him often at the lodge; he saw him in the lodge only that once.

Q. Did you see Mr Morgan of Graigwith in other places?

A. Yes, I saw him at the Groes since that; but I cannot say in how much time.

Q. Did you know Mr Morgan's children; Miss Rachel?

A. No.

Q. Did he know Miss Rachel?

A. No.

Q. He knew Edmund Morgan of Groeslanfro, to whom he took the message? Did he know his children?

A. Yes, all from the two wives.

Q. Did he know William, the son of Edmund?

A. Yes.

Q. And did he know Isaac, the son of William?

A. Yes.

Q. Did he know Harry, the son of William by the second wife.

A. Yes.

Q. Has he seen him here to-day?

A. Yes.

Q. And did he know Watkyn, also one of the children by the second wife?

A. Yes.

Q. And Amy?

A. Yes.

Q. And Anne?

A. Yes.

Q. And has he seen Amy and Anne here to-day?

A. Yes.

Q. The children of Edmund Morgan by the second wife?

A. Yes.

Q. Did he see Mr Morgan of Graigwith ever in company with Edmund Morgan of Groeslanfro?

A. I saw him once after I saw him in the lodge; they were coming together towards Groeslanfro, and he saw Watkyn, the son of Edmund of Groeslanfro, on the road; and seeing them coming together, he asked him who was that person with his father, and he said, "It is my uncle of Graigwith."

Q. Does he know whether in Wales the children of first-cousins call their parents uncle and aunt?

A. Yes, generally.

Cross-examined by Mr KEATING.

Q. Was it after you were married that Watkyn said, "It is my uncle of Graigwith"?

A. No, before then.

Q. How long before he was married was that?

A. I cannot say particularly. It may be about six months or half-a-year.

Q. What age were you when you heard that?

A. About twenty-one years of age.

Q. How long is it since he was first asked about that conversation?

A. The relationship of the parties?

Q. Yes, how long ago is it since they first asked him about it?

A. About a year.

Q. Was that the first time he mentioned it after having heard the conversation?

A. Yes.

WILLIAM ROSSER sworn. Examined (through the Interpreter)
by Mr SERJEANT PIGOTT.

Q. Are you the son of Thomas Rosser of St Bride's?

A. Yes.

Q. Did you live at home with your father till you were about thirty-eight years of age?

A. Yes, as long as he lived.

Q. Until you married?

A. Yes.

Q. Did you know Mr Morgan of Graigwith?

A. Yes, ever since he bought the land.

Q. Land in St Brides's?

A. Yes.

Q. Of Mr Phillips?

A. Yes.

Q. Do you remember Mr Morgan coming to see his land?

A. Yes, many times.

Q. Did he come to your father's house?

A. Yes, always. It was there he was taking food when he came.

Q. And put his horse up?

A. Yes.

Q. Have you heard your father and Mr Morgan talking over different subjects—the sea-wall, and the land, and so on?

A. Yes, many things.

Q. Was that while he was eating his bread and cheese, or taking his refreshment?

A. While he was eating bread and cheese and drinking cold clean water.

Q. What language did they discourse in?

A. Welsh.

Q. In the course of any of these conversations that they had, has he heard the name of Edmund Morgan mentioned?

A. Yes.

- Q. Which Edmund Morgan was it?
 A. Edmund Morgan of Groeslanfro.
 Q. What did Mr Morgan say about him, if anything?
 A. My father said to Mr Morgan, "Being so bold, may I ask who are your relations in this neighbourhood?" and he told my father that Edmund Morgan of Groeslanfro was the nearest relation that he had, to the best of his knowledge, that he knew anything of.
 Q. Did he say what relation he was to him?
 A. Yes, he said that he was a cousin to his father.
 Q. In any other conversation did he hear Mr Morgan speak of Edmund?
 A. No; that he heard him say to his father that he should like to see him come to see him.
 Q. What did your father say to that?
 A. He said his father said he had seen him at Pye corner a little before that with some corn.
 Q. Is that near Graigwith?
 A. In Bassaleg; he did not hear his father say anything more about it; I did not hear my father speak anything further to him, to the best of my knowledge.
 Q. Do you remember anything being said about Edmund's circumstances by anybody?
 A. No, he does not.
 Q. Did he ever hear Mr Morgan say anything about Edmund having a son?
 A. Yes; I heard it in my father's house.
 Q. What did he say?
 A. He said he should like to see him come to see him.
 Q. Edmund's son?
 A. Yes.
 Q. Did his father say anything to that?
 A. His father told him that he thought he was very poor in the world.
 Q. That who was very poor?
 A. The son of Mr Morgan of Groeslanfro.
 Q. Did your father say where he thought this son of Edmund was?
 A. Yes; he said he thought he was at Tredegar.
 Q. What did Mr Morgan say to that?
 A. He said he should like to see him.

Cross-examined by MR GRAY.

- Q. How far from this place where the conversation was going on did Edmund live?
 A. About three yards from his father's house.
 Q. I do not think he understands my question. They were speaking about Edmund Morgan, and they were in his father's house. How far did Edmund Morgan live from his father?
 A. Between seven and eight miles.
 Q. How old are you?
 A. Fifty-eight going.
 Q. How old were you when you heard this conversation between your father and William Morgan of Graigwith?
 A. There is since then about forty-eight years or more; he cannot tell exactly.

- Q. Then was he ten years old ; nine or ten years old ?
 A. Yes.
 Q. And it is forty-eight years ago ?
 A. Yes.
 Q. Ask him if he is quite sure that the words he has given us are the very words that were spoken ?
 A. Yes.
 Q. The very words ?
 A. The very words.
 Q. Does he remember how long Edmund lived after that time ?
 A. No ; he does not.
 Q. Does he know whether he lived long ?
 A. Yes ; he lived for some time.
 Q. For some years does he mean ?
 A. Yes, for some years.
 Q. He is sure that Edmund lived for some years after this conversation ?
 A. Yes.
 Q. Used he to see Edmund pretty often ?
 A. No.
 Q. He did not see him very often ?
 A. No.
 Q. Did he know him to speak to him ?
 A. No ; he cannot say that he did.
 Q. Did he know William (Edmund's son) to speak to him ?
 A. Yes ; I knew him.
 Q. He knew William at that time, or was it long afterwards that he became acquainted with him ?
 A. The time after that.
 Q. When you heard William Morgan of Graigwith telling your father that Edmund was the nearest relation that he had, to the best of his knowledge, did you happen to know that he had an uncle, William Morgan of Mamhilad ?
 MR JUSTICE WILLES (to MR GRAY). He has not said what you suppose him to have said : he said he was his nearest relation at Bassaleg.
 MR GRAY. I do not know that he qualified it in that way.
 MR JUSTICE WILLES. That was in answer to a question, " Who are your nearest relations in this neighbourhood ?"
 MR GRAY. That may explain it.
 Q. How old did William Morgan of Graigwith appear to be at the time of that conversation ?
 A. Twenty-two or twenty-three years of age.
 Q. Did you join in the conversation ?
 A. Yes.
 Q. Were his brothers and sisters who have been called to-day present at the conversation ?
 A. Yes.
 Q. Where did it take place—in-doors or out of doors ?
 A. In the house, at the fire.
 Q. By the kitchen fire ?
 A. Yes.
 Q. Were there more kitchens than one in the house ?
 A. Yes.
 Q. Was there anybody in the other kitchen ?
 A. I do not know that there was anyone there.
 Q. Were there any servants ?
 A. (in English). No ; there were no servants in at that present time.

MR WHATELBY (to MR GRAY). He knows English as well as you do: he says, "There were no servants in at that present time."

MR GRAY. What part did you take in the conversation? What did you say?

A. (through the Interpreter). They were conversing with the other in his presence.

Q. But he said that he joined in the conversation.

A. It was an error.

Re-examined by MR SERJEANT PIGOTT.

Q. Did he know Edmund in his lifetime?

A. No; he did not.

Q. How soon after his death did he hear of it?

A. He heard it about twelve months after he was dead.

Q. You were not at the funeral, were you?

A. No; he was not.

MR PHIPSON. Now, my lord, we propose to recall Harry Morgan.

HARRY MORGAN recalled, and examined (through the Interpreter) by MR PHIPSON.

Q. You are the son of Edmund Morgan?

A. Yes.

Q. Did you ever hear your father, Edmund Morgan, speak of his father?

A. Yes.

Q. What did his father say that his grandfather's name was?

A. John Morgan.

Q. Has he heard his father say where his grandfather lived?

A. In Treveten.

Q. Did you know Mr John Morgan of Graigwith?

A. He has seen him several times attending at the Canal Committee in Newport.

Q. Have you ever heard your father say anything of that Mr John Morgan?

A. That his grandfather and Mr Morgan of Graigwith were two brothers.

MR KEATING. Who has he heard say that?

A. His father.

MR JUSTICE WILLES (to the Interpreter). Just repeat that; if I lose one of these answers, I may lose the whole thread. Just repeat what he said.

THE INTERPRETER. He said he heard his father saying that his grandfather and Mr Morgan of Graigwith were two brothers.

MR JUSTICE WILLES. What I have got down is, "I heard my father say that my grandfather and Mr Morgan of Graigwith's father were two brothers."

MR PHIPSON. That is right, my lord.

Q. Have you ever heard your father say anything of Mr William Morgan of Mamhilad?

A. Yes, that they were two brothers.

Q. Who were two brothers?

A. I heard them say that John Morgan and William Morgan were two brothers.

Q. Has he heard his father speak more than once of John Morgan and William Morgan ?

A. Yes ; if I were to say, twenty times.

Q. Did he ever see either of those Mr Morgans—either John or William, in company with his father ?

A. Yes, many times at Groeslanfro.

Q. Which of them was it that he saw ?

A. John Morgan of Graigwith.

Q. Did John Morgan of Graigwith have some sheep at tack at Groeslanfro ?

A. Yes, or feeding—twenty.

Q. Did he come to Groeslanfro to look at the sheep ?

A. Yes, once.

Q. On that occasion did he see his father with him ?

A. Yes.

Q. Have you ever heard your father speak of any children of John Morgan, of Graigwith ?

A. Yes.

Q. Did he say whether they were sons or daughters, or what ?

A. Two daughters and a son.

Q. Have you heard your father say whether they were or were not relations of his ?

A. That the children of Mr Morgan and them were second cousins.

MR JUSTICE WILLES (to MR WHATELEY). I want to ask him a question before you cross-examine him. Will you (the Interpreter) ask him who was the John Morgan who he says was brother to William Morgan ?

A. John Morgan of Graigwith.

MR SERJEANT PIGOTT. There are two Johns he has spoken of.

MR JUSTICE WILLES. They are the John and William we have heard of before.

MR SERJEANT PIGOTT. There are two Johns and two Williams, my lord.

MR JUSTICE WILLES. If it had begun earlier it would have been more important ; these are the John and William we have heard of before.

MR ALEXANDER. The John and William he has spoken of before.

Cross-examined by MR WHATELEY.

Q. I believe you were examined at Bristol, were you not ?

A. Yes.

Q. Did you say there that your grandfather John Morgan and William Morgan were brothers ?

A. No ; he does not recollect.

Q. Did you say that your father had told you so at Bristol ?

A. Mayhap I did.

Q. But will you swear you did ?

A. Yes.

Q. Attend. Do you mean to say that when you were examined at Bristol you said that your father had told you that John Morgan, your grandfather, and William Morgan were brothers ?

A. Yes.

Q. Did your father tell you where your grandfather lived ?

A. Yes.

Q. Where?

A. In Trevethen.

Q. Did you not say, when you were examined at Bristol, "John Morgan, my grandfather, lived in the parish of Goitre"?

A. Yes; Goitre was the name of the parish.

Q. Does he mean to say that Trevethen is in the parish of Goitre?

A. No; they are the two parishes next to next.

Q. Because he said, when he was asked by the gentlemen here, that his father told me that John Morgan the grandfather lived at Trevethen, and now he says that he lived at Goitre; which does he mean?

A. In Trevethen the grandfather lived.

Q. Does he mean to say now that his grandfather lived in Goitre—did he live in both?

A. No; my grandfather lived in Trevethen, but my father lived in the parish of Goitre.

Q. Did he not say at Bristol, "John Morgan, my grandfather, lived in the parish of Goitre, and my father told me my grandfather was buried at Goitre"?

A. No, he did not; it was Trevethen he said about his grandfather.

Q. Did you say at Bristol, "I have heard my father speak of John Morgan of Graigwith, and that he and John Morgan were two cousins"?

A. Two first cousins.

MR JUSTICE WILLES. William Morgan of what place?

A. That John Morgan and Edmund Morgan were first cousins.

Q. John Morgan of which place?

A. John Morgan of Graigwith, and Edmund Morgan of Groeslanfro.

MR WHATELEY. Did you say at Bristol you did not know any brother of John Morgan of Graigwith?

A. No.

Q. Did you say at Bristol, "I have heard my father say that John Morgan of Graigwith and William Morgan of Mamhilad were two cousins"?

A. William Morgan was his father's brother.

Q. But did he not say at Bristol they were cousins?

A. No.

Q. Did you say at Bristol, "I have heard my father say that John Morgan of Graigwith was cousin of William Morgan of Mamhilad"?

A. No; I did not hear anything of the kind, but I heard him say that John Morgan and William Morgan were brothers.

Q. Did you not say at first that they were two cousins?

A. No.

MR JUSTICE WILLES. It is clear that there is some confusion in the answers.

MR WHATELEY. Did you say at Bristol, "I have heard my father say that John Morgan of Graigwith and William Morgan of Mamhilad were two cousins"?

A. No.

Q. Did you say at Bristol, "I have heard my father say that John Morgan of Graigwith was cousin to William Morgan of Mamhilad"?

A. No.

Q. Did you not say both things—did you not say that you had

heard your father say that the two brothers John Morgan of Graigwith and William Morgan of Mamhilad were his first cousins?

A. Yes.

THE INTERPRETER. I am not quite sure that he understands the question. (!!).

MR WHATELEY. Did he not say, "I have heard my father say that John Morgan of Graigwith and William Morgan of Mamhilad were two cousins"?

A. He did not say so.

Q. How often have you seen John at the canal meetings?

A. Every month.

Q. For how many years?

A. Over and above thirty years.

Q. Did you ever speak to him?

A. Yes, when he was coming to the canal office.

Q. Did you say at Bristol that you had only spoken to him once?

A. Yes, but that was before I went to Newport to live.

Q. Are you quite certain it was John that you saw at the canal meetings?

A. Yes, I am perfectly sure.

Q. Was it not William?

A. No.

Q. Did you know John well?

A. Yes, quite well.

Q. Did you know William also?

A. Yes.

Q. Do you mean to say it was John that you saw for so many years weekly at the canal meetings?

A. Yes.

Q. Did you not say at Bristol that you did not know William Morgan of Mamhilad by sight?

A. Yes.

Q. What does he mean now, then, by saying that he knew him very well?

A. No.

Q. What do you mean by saying you knew William very well, when you said at Bristol that you did not know him by sight?

A. Do you mean at the canal meeting?

Q. I am talking of William?

A. I did not know him.

Q. I understood him to say a few minutes ago that he knew him very well—when was it that you knew William very well?

A. He saw him once at Groeslanfro, and at the offices of the canal.

Q. Who?

A. William.

Q. Do you mean William of Mamhilad?

A. Yes.

Q. What did you mean by saying, then, that you did not know him by sight?

(No answer).

MR ALEXANDER. He does not appear to understand you.

MR WHATELEY. Oh yes, he does; he understands very well.

A. He had seen him.

Q. Can you give any explanation how it was that you said you did

not know William by sight, at Bristol, whereas now you say you saw him once in the canal office? Can you explain that?

(No answer.)

Q. Did you know any relation of the name of Morris?

A. No; I know none.

Q. Nor White—Do you know any relation of the name of White?

A. No, not I; that was before my time.

Q. Did you never hear your father speak of, or did you know yourself, any relation of the name of Morris, or another of the name of White?

A. I know nothing of them.

Q. Did you never hear from your father that you had any aunts?

A. No, never.

Q. Nor whether his father had any aunts?

A. No, never.

Q. Where have you been living for the last few years?

A. At Newport, in Monmouthshire.

Q. Where?

A. In Corn street.

Q. Is the union workhouse in Corn street?

A. No.

Q. Were you not living for fourteen years in the union workhouse?

A. Yes; but I was keeping horses in Newport for many years before then.

Q. But was he so poor that he was obliged to live in the Newport workhouse?

A. Yes; he was so poor, being unable to work.

Q. Were you there for fourteen years?

A. Yes.

Q. Did you know Rachel Morgan?

A. No.

Q. Nor William Morgan, her brother?

A. No.

Q. Nor Anne, the sister?

A. No.

Q. Did you know Rachel Morgan, the wife of John Morgan of Graigwith?

A. No, I never saw her.

Re-examined by MR PHIPSON.

Q. How long ago is it since you saw William Morgan of Mamhilad?

A. Forty years.

Q. Did he ever see him since?

A. No.

Q. You have been asked whether you did not say at Bristol that John Morgan of Graigwith and William Morgan of Mamhilad were cousins?

MR WHATELEY. He signed the examination.

MR JUSTICE WILLES. I take it that these which are before me are the examinations.

MR WHATELEY. Yes, my lord; we are in a condition to prove that.

MR PHIPSON. If there be any ambiguity in the question it would be only fair to let the witness explain it.

MR JUSTICE WILLES. He says, in one part of his examination, "I heard from my father they were cousins—that the one was cousin to the other," and in another part of his examination he said that which is consistent with the whole tenor of the evidence he has given, namely that they were "cousins to him," his father. We all know that the question is not taken and the answer is, and an old man like this might easily, in answer to the question "Have you heard from your father that John and William were cousins," understand the question as being whether they were cousins to him.

MR PHIPSON. On looking at the questions put to the witness the whole thing is perfectly intelligible.

MR WHATELEY. I have no objection to my friend reading the question and answer now. I do not want to take advantage of an ambiguity; my object is to show that the witness was so confused that he did not know what he was saying. If my friend likes to read any question and answer he may do so.

MR PHIPSON. This is what passed: he was asked this question.

MR JUSTICE WILLES. What are you going to read from?

MR PHIPSON. From the short-hand writer's notes, my lord.

(Reads a portion of the short-hand writer's notes of the examination of the witness at Bristol.)

MR JUSTICE WILLES. Very likely the examiner supposed that he had answered "two cousins" as the relationship between John and William, whereas he was stating what his father said.

AMY EVANS sworn.

THE WITNESS. Sir, I do not understand.

(The witness is again sworn.)

MR ALEXANDER. This witness is very deaf indeed, my lord; therefore perhaps your lordship will allow her son, to whose voice she is accustomed, to repeat the questions to her.

Examined by MR ALEXANDER.

(The son of the witness repeating the questions through an ear trumpet.)

Q. Are you the daughter of Edmund Morgan of Groeslanfro?

A. I am the daughter of Edmund Morgan of Groeslanfro.

Q. Did you know John Morgan of Graigwith?

A. Yes.

Q. What is your age?

A. Eighty-three.

Q. Have you ever heard your father say anything as to that John organ of Graigwith?

M.A. I heard him say he was his cousin.

Q. Has she heard him say so more than once?

A. Many a time he used to come to Groeslanfro?

Q. Have you ever seen John Morgan of Graigwith at Groeslanfro?

A. Yes, I have.

Q. Have you seen him often there?

A. Yes, often upon business with my father.

Q. What business had he with her father?

A. With the farming—I cannot say any more.

Q. Have you ever heard John Morgan speak of your father—John Morgan of Graigwith?

A. Oh, yes, many a time.

Q. What have you heard John Morgan of Graigwith say about your father?

A. That he was cousin—"cousin Edmund."

Q. Have you ever heard John Morgan of Graigwith call your father cousin when he has been with him?

A. My father used to call him cousin, "cousin John"—"cousin William" of Graigwith.

Q. When her father and John Morgan, of Graigwith, have been together in company, has she heard John Morgan call her father cousin?

A. Yes, "Cousin Edmund."

Q. Have you heard that more than once?

A. Yes, he always called him cousin Edmund.

Q. Have you heard your father say what was the Christian name of your grandmother?

A. Diana.

Q. Have you heard your father say what was the Christian name of your grandfather?

A. John.

Q. Had your father a daughter by the first wife, whose name was Diana?

A. Named Diana.

Q. Was that your half-sister?

A. Yes.

Cross-examined by Mr KEATING.

Q. Were you ever at Graigwith?

A. Never.

MR PHIPSON. I omitted one question—Do you recollect your grandfather yourself?

A. No.

MR KEATING. What sort of looking man was John of Graigwith?

A. He was like a farmer.

Q. Did he look at all like a gentleman?

A. Not very tall—like a farmer.

Q. What business did he go upon to Groeslanfro?

A. With the farming. I cannot say particularly.

Q. Did you know any brother of John of Graigwith?

A. I knew John and William.

Q. Did you ever see William?

A. Yes.

Q. Where did you see William?

A. At Groeslanfro.

Q. Once, or more than once?

A. Many times. I cannot say how often. I saw him several times.

Q. At Groeslanfro?

A. At Groeslanfro.

Q. Did she not say at Bristol that she never recollected William coming there?

A. I do remember his being there.

Q. Was she examined at Bristol?

A. Yes.

Q. Did you say in Bristol you did not remember William Morgan coming there?

A. They put it all down what I remembered.

Q. Do you remember that you said there you did not remember it?

A. I do not remember it, but they put it all down right what I said.

Q. Ask her if she did not say at Bristol she never recollected William coming there at all, only John?

A. They have got it all down.

Q. Did she not say at Bristol that she never recollected William coming to Groeslanfro?

A. No; I do not know.

Q. Did she ever see William coming to Groeslanfro?

A. I did.

Q. Did she not say at Bristol that she did not see him?

A. I do not remember such a thing.

Q. Ask her if she very often went to Pontypool?

A. I did go often to Pontypool.

Q. Did she go to see any cousin of her father's there?

A. No.

Q. Had her father any cousin living at Pontypool of the name of White?

A. No; I never heard talk of it.

Q. Did she ever hear her father or John Morgan talk about any other cousins?

A. Never.

Q. Did she ever hear of any relation of the name of Morris or Bond?

A. No, never.

Q. Did she ever hear from her father that he had any aunt?

A. No.

Q. Did John Morgan every time he came to Groeslanfro call her father cousin?

A. He always said, "Where is my cousin Edmund?"

ANN EVANS sworn, and examined (through the Interpreter) by
MR ALEXANDER.

Q. How old are you?

A. Eighty.

Q. What was your maiden name?

A. Anne Morgan.

Q. What was your first husband's name?

A. Harry Rowland.

Q. And your second husband's name?

A. Lewis Evans.

Q. Who was your father?

A. Edmund Morgan.

Q. Of what place?

A. Groeslanfro.

Q. Was she his daughter by his first or his second marriage?

A. By the second marriage.

Q. And what was her mother's name?

A. Mary—Mary Davis.

- Q. How long ago did her father die?
 A. *Many years ago, but she cannot recollect exactly.*
 Q. Was he an old man when he died?
 A. Yes.
 Q. Do you know how old he was?
 A. No; she does not.
 Q. What was the name of your father's first wife?
 A. Anne White.
 Q. Had your father a son named William by Anne White?
 A. Yes; and Diana was the daughter's name.
 Q. How many children had he by his second wife?
 A. Five.
 Q. Was Watkyn one of them?
 A. Yes.
 Q. Is he dead?
 A. Yes.
 Q. And Harry, who has been here to-day, and Amy?
 A. Yes.
 Q. Did you ever hear your father speak of John and William Morgan?
 A. Yes; William was there at Groeslanfro.
 Q. Where did William live when he was at home?
 A. At Goitre.
 Q. Does she know a place called Mamhilad?
 A. No.
 Q. Did you ever hear your father speak of a relationship between him and William who came to the house at Groeslanfro?
 A. Yes; he said he was his cousin.
 Q. Who said so?
 A. Her father said so when she asked him who he was.
 Q. Did John Morgan come to Groeslanfro as well as William?
 A. No; her father was going there.
 Q. Her father was going to John?
 A. Yes.
 Q. Did you know John as well as William?
 A. No; only William.
 Q. Did you ever hear your father say what relation John was to William?
 A. Her father said that William was his cousin.
 Q. When William came to Groeslanfro did she ever hear him say what relation he was to her father?
 A. Yes; he was his cousin.
 Q. Did you know the late Miss Rachel Morgan of Pantygoitre?
 A. No; I did not know her.
 Q. Did you ever hear your father speak of her?
 A. Yes.
 Q. Did your father say who Miss Rachel was?
 A. Yes; he said she was the daughter of John Morgan.
 Q. Did your father ever tell you whether John Morgan had another daughter besides Rachel?
 A. He had.
 Q. Did you ever hear your father speak of your grandfather?
 A. Yes.
 Q. What was his Christian name—the Christian name of her grandfather?
 A. John.

Q. Did you ever hear your father say what your grandmother's name was?

A. Diana.

Q. Did you ever hear William Morgan tell your father to go over to see him on a Sunday?

A. Yes.

Q. Has she heard that more than once?

A. Yes.

Q. And did her father sometimes go away from home on a Sunday in the direction of Graigwith?

A. Yes.

Q. Did you ever go to Graigwith yourself, or to Mamhilad?

A. No; not to either.

Q. When your father was starting to go from home on a Sunday, did he ever say whom he was going to visit?

MR WHATELEY (to the Interpreter). Stop a moment. Do not let her answer that question. My friend is going beyond the boundary.

MR ALEXANDER. If I had asked her—did he say he was going to Mamhilad, I should have been pulled up at once. Suppose he says when he is going, "I am going to visit a relation."

MR JUSTICE WILLES. If you ask it for that purpose that is legitimate.

MR ALEXANDER. I do ask it for that purpose, my lord.

MR JUSTICE WILLES. Ask her first whether he said where he was going, and if she says yes, you can ask her whether he said to whom he was going?

MR ALEXANDER. My question was in terms, "When he was going away on a Sunday, did he say whom he was going to visit?"

MR JUSTICE WILLES. I think you have a right to ask whether he said he was going to visit anybody, and if she says yes, you may ask "Did he, in saying he was going to visit that person, describe that person as being a relation?" and if she says yes to that, you may have the whole answer. I suppose that is the strictly logical way of putting the question.

MR ALEXANDER. I will put it in the way your lordship suggests.

MR WHATELEY. It is hardly worth while objecting to it.

MR JUSTICE WILLES. It is only a portion of the case.

MR ALEXANDER (to the witness). When your father was going away on a Sunday, did he say where he was going?

A. Yes.

Q. Where did he say he was going?

A. That he was going to William Morgan, to the Goitre.

Q. Did he say whether William Morgan whom he was going to at the Goitre was any relation to him or not?

A. Yes; he said he was his cousin.

Cross-examined by MR GRAY.

Q. Do I understand you to say both John and William used to come to your father's house?

A. No; her father was going to John, and William was coming to the Groeslanfro.

Q. Do I understand you that John did not come to Groeslanfro?

A. No; her father was going there.

- Q. Did she ever go there with him ?
 A. No ; she never was there.
 Q. Did she ever see Rachel Morgan in her life ?
 A. No.
 Q. Or her sister Anne ?
 A. No.
 Q. Or her brother William ?
 A. Yes, William.
 Q. Where did she see William ?
 A. At Groeslanfro.
 Q. Does she mean now the same William that she has spoken of before, or a different William ?
 A. The same one as she has spoken of before.
 Q. The brother of John ?
 A. Yes.
 Q. But did she ever see William the son of John ?
 A. No, never.
 Q. Did she ever visit William at Mamhilad or anywhere else ?
 A. No.
 Q. Did she know of any other relations that she or her father had besides the Morgans of Mamhilad and Graigwith ?
 A. No.
 Q. Did you ever hear from your father that he had an aunt of the name of Morris ?
 A. No, never.
 Q. Did you ever hear of such an aunt dying when she was about ten years old ?
 A. No.
 Q. Did she ever hear from her father or any one else of an aunt of the name of White who lived at Pontypool ?
 A. No.
 Q. Nor a cousin named John White ?
 A. No.
 Q. Nor any relation of the name of Bond ?
 A. No.
 Q. Did you ever hear your father speak of the father of John and William Morgan ?
 A. Yes.
 Q. Were you examined at Bristol before the commissioner ?
 A. Yes.
 Q. Did you not say upon that occasion, "I have heard my father speak of his own father—his name was John—I never heard him speak of the father of John and William Morgan." Did she not say, in giving her evidence at Bristol, that she never heard her father speak of the father of John and William Morgan ?
 Q. No.
 MR JUSTICE WILLES. She has not spoken of him to-day that I recollect.
 MR KEATING. Yes, my lord ; she said she heard her father speak of him.
 MR JUSTICE WILLES. "I have heard my father speak of John and William Morgan ;" but the question is as to the father of John and William Morgan.
 MR KEATING. But she said so just now, my lord.
 MR GRAY. She says she heard her father speak of him, and there-

upon I put the question whether she did not say the contrary in her evidence before the commissioner.

MR JUSTICE WILLES. If she has ever said that her father spoke of the father of John and William Morgan, I have not got it down.

MR GRAY. It is not in her examination in chief, my lord.

MR WHATELEY. It is two answers back.

MR JUSTICE WILLES. What I have got down is, "I heard my father speak of John and William Morgan."

MR GRAY. That is what she did say in her examination in chief.

MR JUSTICE WILLES. There is no contradiction.

MR GRAY. Not to that; my question was rather with a view to a contradiction.

JOHN ROWLANDS sworn, and examined (through the Interpreter)
by MR SERJEANT PIGOTT.

Q. How old are you?

A. Seventy-four.

Q. Are you the son of Henry Rowlands?

A. Yes.

Q. Of what place?

A. Bassaleg.

Q. Do you remember when you were about fourteen years old hearing Edmund Morgan of Groeslanfro talking with your mother?

A. Yes; I remember it.

Q. Where were they?

A. At Groeslanfro.

Q. Where were they when they were talking?

A. They were on the fold.

Q. Whose fold?

A. The fold of Groeslanfro.

Q. What business had his mother there?

A. His father was cobbling, and his mother was taking shoes home.

Q. Shoes belonging to the people at Groeslanfro?

A. Yes.

Q. Had he gone with her?

A. Yes.

Q. What were they speaking about?

A. My mother and Edmund Morgan were joking one and the other, and Edmund Morgan asked my mother, "How art thou, Anne," and the mother of the witness said, "Pretty well; and how art thou, Edmund?"

Q. Was anything more said?

A. He said he would be a rich man if he lived after Mr. Richard Morgan of Graigwith.

Q. Did he say why?

A. Yes; he said that they were two cousins, the children of two brothers.

Q. Was there any more conversation?

A. That is all he has to say, and the truth.

Q. And about how long is that ago?

A. *Sixty years since.*

Cross-examined by MR WHATELEY.

- Q. You say this is sixty years ago.
 A. Yes; he lived fifteen years after that?
 Q. Who lived fifteen years after that?
 A. Edmund Morgan.
 Q. To whom did you first give an account of this conversation?
 A. It was Jacob Williams sent for him, and to him he gave the first account.
 Q. "Jacob Williams sent for me, and to him I gave the first account;" is that what he says?
 A. Yes.
 Q. When was that?
 A. About ten weeks.
 Q. Was that the first time he had given an account of it since the time that he heard it?
 A. That was the first time that he was examined upon the subject.
 Q. And was that the first time he ever told the conversation?
 A. Yes.
 Q. Did he go to Jacob Williams, or did Jacob Williams come to him?
 A. He sent for me, Jacob Williams did.
 Q. Who is Jacob Williams?
 A. A son of Edward Williams of Pye corner.
 Q. Is he any relation to the Morgans?
 A. Yes, I suppose so.
 Q. What relation?
 A. I cannot say how near they are.
 Q. Have you ever spoken to Jacob Morgan about it?
 A. No, not at all.
 Q. Nor to any one else excepting Jacob Williams?
 A. No; with no one but with Jacob Williams.

GEORGE LLEWELLYN sworn, and examined by MR PHIPSON.

- Q. What are you?
 A. A gardener.
 Q. Were you formerly a farmer?
 A. I had rather speak in Welsh.
 MR PHIPSON (to the Interpreter). You had better ask him in Welsh?
 Q. Were you formerly a farmer?
 A. (through the Interpreter). Yes, for thirty years.
 A JUDGE. I think he said thirty years since.
 A. For thirty years he was a farmer.
 MR PHIPSON. Do you know Jacob Morgan, the plaintiff?
 A. Yes.
 Q. Did you know his father, Isaac Morgan?
 A. Yes.
 Q. And did you know William Morgan, Jacob's grandfather?
 A. Yes.
 Q. And did you know his father Edmund?
 A. Yes.

MR JUSTICE WILLES. How old are you?

A. Fifty-seven, going fifty-eight.

MR PHIPSON. Were you and Isaac Morgan brought up together?

A. Yes.

Q. Did your father live for many years very near to William Morgan, Isaac's father?

A. Yes; they were near neighbours.

Q. Did you yourself once lodge with William Morgan at a farm called Cock-o-north, near the Gartlo?

A. Yes.

Q. How long did you live with him at Cock-o-north?

A. Between two and three years at different times.

Q. Whilst you were living with him, did you ever hear him speak of the Morgans of Graigwith?

A. Yes, many times.

Q. What have you heard William Morgan, the plaintiff's grandfather, say about the Morgans of Graigwith?

A. I heard him say that he was a cousin.

Q. Have you ever heard William Morgan speak to his son Isaac about them?

A. Yes, many times.

Q. What has he said to Isaac?

A. He was saying that he was the heir, if they had died without heirs.

Q. Did you know John Morgan of Graigwith?

A. No, only William.

Q. Which William does he mean?

A. The last William Morgan.

Q. The brother of the intestate?

A. Yes, the brother of the intestate—the brother of Rachel.

Q. Did you ever see that Mr Morgan came to visit William Morgan, the plaintiff's grandfather?

A. Yes.

Q. Did you see them speaking together?

A. Yes.

Q. How long did he stay?

A. He has been there all the afternoon, and spent the evening drinking tea.

Q. Did you hear William Morgan of Graigwith say anything to Isaac, the plaintiff's father?

A. Yes, I heard him say that he should be his heir, provided he died without issue.

Q. At the same time, did he say anything about Isaac's learning?

A. Yes, he told him to keep close to his school, and that it would be of benefit to him in the course of time.

Q. Do you remember after this William Morgan, the plaintiff's grandfather, setting off to go somewhere?

A. Yes; he went to Graigwith on a visit, and was there two days and a night.

Q. On that occasion, when William Morgan, the plaintiff's grandfather, set out, what did he say as to where he was going?

A. To Graigwith.

Q. Did he say who he was going to visit there?

A. Going to visit his cousin.

Q. Was this whilst you lived with William Morgan?

A. Yes, at the same time.

Q. And how long was William Morgan away on this occasion?

A. Two days and a night, and the third day he came home; as near as he can recollect, two days and a night.

Q. When he came back, did he hear him say anything about the family at Graigwith?

A. Yes; that the old lady had been very kind, that he had a very good place there, and his cousin and him had enjoyed themselves very much.

Q. You say you lived about three years with William the plaintiff's grandfather; at what time was this that you lived there?

A. About thirty-seven years since; he cannot recollect exactly.

Q. Did you know any other of the family of Graigwith, except William Morgan?

A. I never saw them.

Cross-examined by MR GRAY.

Q. It was about the year 1820 that you lived with William Morgan at Cook-o-north, thirty-seven years ago?

A. He cannot say for certain; it was somewhere thereabouts.

Q. What was William of Cook-o-north at that time? How did he get his living?

A. He was a farmer.

Q. Was he very poor, and very old at that time?

A. He was about middle-aged, but not so very poor at that time.

Q. How old was Isaac?

A. About eighteen I suppose; I cannot say exactly.

Q. How large a farm was it that William had?

A. About fifty acres I suppose.

Q. Does he know under whom he rented it?

A. Mrs Cumming.

Q. Was Isaac at school when he was eighteen years old?

A. Yes; a quarter now and then.

Q. Does he know what school he went to?

A. He cannot say, but he supposes it was to Newport and Bassaleg.

MR JUSTICE WILLES. Is this Isaac?

MR GRAY. Yes, my Lord; this is Isaac.

Q. What was it he said to Isaac about the books?

A. He heard nothing.

Q. But he has told us something; was he going to school at that time?

A. Yes; he had a quarter now and then when he was there, at Bassaleg.

Q. Do you know that William Morgan's mother was alive then?

A. He knows nothing about her.

Q. Who did he understand the old lady to be, who William Morgan said had been kind to him when he went over to Graigwith?

A. The old lady of Graigwith.

MR JUSTICE WILLES. The mother of William?

MR SERJEANT PIGOTT. Yes, my Lord.

MR GRAY. Did you know, that William's two sisters were alive then?

A. Yes; two-sisters and a-brother were alive then, and that is all he knows about it; he knows nothing further.

Q. When was it that you say William of Cock-o-north set out to go to Graigwith?

A. About Christmas.

Q. In what year?

A. He does not know.

Q. What day in the week was it?

A. He does not remember that.

Q. Was he at the house when he started off?

A. Yes; he put on his coat for him, with large buttons about the wrists.

Q. Was there any one else there besides him?

A. Yes; there was a young girl that was a servant there; he does not know whether she was present at the time, because he put on the top coat.

Q. How did Jacob Morgan come to know that you knew this?

A. He came to seek him. He thinks it was through an old woman that they came to know first of his knowing this.

Re-examined by MR PHIPSON.

Q. Did William Morgan afterwards become poor?

A. Yes; he came to work as digger for Sir Charles Morgan.

Q. What sort of a coat was it that he helped him on with—the one with the large buttons?

A. A drab.

Q. Was it a best coat or an overcoat, or what?

A. A best overcoat.

WALTER WATERS sworn, and examined (through the Interpreter) by MR ALEXANDER.

Q. How old are you?

A. Seventy-seven.

Q. And where does he live?

A. At Bassaleg, under Sir Charles Morgan.

Q. What are you under Sir Charles?

A. Cow-keeper. He attended the yearling calves.

Q. Then he is in the employment of Sir Charles Morgan?

A. Yes.

Q. Did he know the late William Morgan, the father of Isaac?

A. Yes; I knew him since I was about ten years of age.

Q. Did he live in Sir Charles Morgan's service in the latter part of his life—William Morgan?

A. He was working for Sir Charles Morgan about sixteen years altogether. He cannot say that he spent the latter part of his life there.

Q. Did he know him when he had a farm, before he was a workman for Sir Charles Morgan?

A. Yes, he was a neighbour of mine when I was a young man.

Q. And had he had a farm before he came down to the place of a labourer?

A. No.

Q. When had he a farm? Was it before he worked for Sir Charles Morgan?

A. He had left the farm from seven to eight years before he came down to work.

Q. Do you know Jacob Morgan, the plaintiff in this cause?

A. Yes; I knew him since he was a child.

Q. And is he grandson to the William Morgan who was in Sir Charles's service?

(The witness produces a small piece of paper, on which is written the word "Cyvartha.")

MR JUSTICE WILLES. What is his answer to that question? He is asked whether Jacob was the grandson of William, whom he knew.

A. William Morgan was the grandfather of the present Jacob Morgan.

MR ALEXANDER. Who was the father of William Morgan, whom he knew so well?

A. Edmund Morgan of Groeslanfro.

Q. He was the father of the William Morgan who the witness knew?

A. Yes.

Q. Did you know Edmund Morgan?

A. Yes, I knew him very well.

Q. Had he any conversation with William Morgan about his relations?

A. Yes. William Morgan and his wife, by the permission of Sir Charles Morgan, were permitted to live with him in a little hut in the Park—in the Green.

Q. Did you see them, as they lived in the same house, frequently?

A. He was with them frequently, being ordered by Sir Charles Morgan to look after the old people, to whom Sir Charles was advancing eight shillings a week regularly towards their maintenance.

Q. Did you ever hear William Morgan say anything about his relations?

A. I never heard him say anything about his relations, except that the Morgans of Graigwith and him were two second cousins, as I set down on that paper (referring to the paper just produced by the witness).

Q. Did you hear him say this more than once?

A. Yes, several times. The old man was rather chatty. The old man was over eighty years of age when he died.

Q. William was?

A. Yes; William.

Cross-examined by MR WHATELEY.

Q. Who was it that wrote down that word on the paper for you?

A. It was his son who did so, in order that he might bring it with him, lest he should forget the proper term of the relationship.

Q. Relationship to whom?

A. Mr Morgan of Graigwith.

Q. Who wrote it down?

A. My son.

Q. Whose son?

A. My son.

Q. When?

A. Before I did come here.

Q. How long before you came here?

A. Last Friday week.

Q. Who was present at the time? Was Jacob Morgan there?

A. No.

- Q. Or Jacob Williams?
- A. No.
- Q. How came your son to write it down for you?
- A. It was I who asked him to do so, lest I should forget, and say it was a cousin instead of a second cousin.
- Q. Had any body told you they were second cousins?
- A. William Morgan himself had told me so.
- Q. When?
- A. Five or six years or more before he was buried.
- Q. And how long ago was it since he was buried?
- A. I cannot give an account how long ago it is since he was buried, but it may be five or six years; that is the meaning of his former answer,—it was previous to his burial.
- Q. Was it five or six years before he was buried that he told you that?
- A. He cannot say exactly as to the time, but the old man had told him of it several times. He got a stone made two or three years before his burial, to put up over his grave.
- Q. Have you seen Jacob Williams upon this subject?
- A. No; not since he was asking me about it.
- Q. When did Jacob Williams ask you about it?
- A. About two months.
- Q. Ago?
- A. Yes; it may have happened about two months since.
- Q. Have you given any information to any other person about it, except to Jacob Williams?
- A. No; no one.
- Q. Has any other part of your evidence been written down besides this word "Cyvartha"?
- A. No, by nobody; nothing but that word.
- Q. When your son had written it did you put it in your pocket to bring it here?
- A. It was in my pocket since I did come until now.
- Q. Was it given you to put in your pocket at that time?
- A. Yes.
- Q. Was that when Jacob Williams was present?
- A. No; Jacob Williams knew nothing of it?
- Q. Did Jacob Williams take down what you had to say in writing?
- A. No; not any at all.
- Q. Nor any body else?
- A. No; nobody else.
- Q. Do you mean to say that no person at all ever took down your examination in writing?
- A. No; not one living man.

Re-examined by MR ALEXANDER.

- Q. You say you asked your son to write down this word "Cyvartha" for you?
- A. Yes.
- Q. Did he ask that out of his own head, or was he told by any one to ask his son to do it?
- A. No man requested him to do so, but he did it out of his own head, in consequence of the shortness of his memory. He was particular upon that, in consequence of his oath.

- Q. And that word "Cyvartha" is in your son's handwriting, is it?
- A. Yes.
- Q. Did anybody know anything of this paper except you and your son?
- A. No.
- Q. You have said you have not seen Jacob Williams since he was asking you about this business?
- A. I did not see him until the subpoena and the shilling was given to me.
- Q. Do you know Chancellor Williams?
- A. Yes.
- Q. Did he go to your house?
- A. Yes.
- Q. Did he ask you what you knew about it?
- A. Yes.
- Q. And did you tell him what you have told the gentlemen of the jury here to-day?
- A. Yes; he told him the same as he has told the jury, except that paper which he had not at the time.
- Q. Did the Chancellor write down what you said?
- A. Yes.
- Q. You were asked in cross-examination by my learned friend whether you had ever told it to anybody else but Jacob Williams, and you said no; did you also tell it to the Chancellor?
- A. Yes.
- Q. And when you were telling what you knew to the Chancellor, who you say wrote it down, did you use the word "Cyvartha?"
- A. No; he did not—it was since then that he remembered it.
- Q. And then did he get his son to write it down?
- A. Then he called his son to write it, lest he should commit himself by saying he was a cousin.
- Q. Did you see Jacob Williams write down what you said?
- A. I did not see him write anything for me.
- Q. But the Chancellor did write down what you said?
- A. Yes; and no one else.
- MR KEATING. Then I suppose the Chancellor is not "a living man"!
- MR ALEXANDER. I now call upon my friend to produce, under a notice to produce, a deed of 1697. I am told the date of it is the 11th of October.

(The deed is produced by MR WHATELEY, and handed to Mr ALEXANDER.)

MR ALEXANDER. This is the 2nd of October. I understood it was the 11th.

MR WHATELEY. If it is not what you call for I will take it back.

MR ALEXANDER. I was told it was the 11th of October, but as you say you have not one of the 11th, I must see whether this is the deed I want. This deed is made between Edmund Morgan of the parish of Mamhilad, in the county of Monmouth, and Catherine, his wife, and William Morgan, of the parish of Mamhilad aforesaid, eldest son and heir. It is executed by Edmund Morgan, by William Morgan, by Florentia Morgan, and Theophilus Reynolds and John Morgan, but the parties to the deed appear to be Edmund Morgan, of the parish of Mamhilad, in the county of Monmouth, gentleman, and Catherine, his wife.

MR JUSTICE WILLES. You are now putting in a deed of the 2nd of October.

MR ALEXANDER. Yes, my lord—Edmund Morgan, of the parish of Mamhilad, in the county of Monmouth.

MR JUSTICE WILLES. And Catherine, his wife?

MR ALEXANDER. Yes, Catherine, his wife.

MR JUSTICE WILLES. Of the first part?

MR ALEXANDER. I do not distinguish in terms who are the parties of the first part; they are the parties of the first part, no doubt, but they do not distinguish them by parties of the first part in words: and William Morgan, of the parish of Mamhilad, aforesaid, eldest son and heir apparent of the said William Morgan. I have misled your lordship by saying the persons I first read are of the first part; all those I have now enumerated are of the first part, that is, the father, the mother, and the son are of the first part; Florentia Morgan, and Eleanor Morgan, spinster, one of the daughters of the said Florentia Morgan, by the said William Morgan, of the second part; and Theophilus Reynolds, of some place, the name of which I cannot read, in the parish of —; I really cannot read it; and John Morgan, of the parish of Llangibby, of the third part.

MR GRAY. This must be it, my lord; we have found it (producing another deed).

MR JUSTICE WILLES. Then I may strike out the deed which I have been taking a note of?

MR ALEXANDER. I do not know, my lord; it may be as well to have it.

MR SERJEANT PIGOTT. These deeds are almost illegible.

MR ALEXANDER. This other deed which my friend has produced is not the same year.

MR WHATELEY. My friend's clients have had an opportunity of inspecting all these deeds, my lord.

MR SERJEANT PIGOTT. *They have merely been exhibited to us under an order of the Court of Chancery.* (!)

MR JUSTICE WILLES. Of course they were put into the schedule to the answer. Did you not apply to inspect them?

MR WHATELEY. Yes, my lord.

MR JUSTICE WILLES. *Then, of course, you saw them.* This is a great waste of time. Had we not better go on with some other part of the case that is ready, and in the meantime Mr Phipson can look through these deeds, and in the morning put in what are important. We are losing time now.*

MR SERJEANT PIGOTT (to MR WHATELEY). Will you allow us to take these two deeds in order that we may look at them?

MR WHATELEY. No; they must not go out of our custody; you had two inspections of them in London.

MR ALEXANDER. Then we must have them read.

MR WHATELEY. I will tell you all that there is in that one.

MR ALEXANDER. You (Mr Whateley) did not know that there was such a deed.

MR JUSTICE WILLES. Do not discuss who did, or who did not know it.

* Every facility was offered to the plaintiff's attorney to inspect all the deeds. They were offered for inspection without expense and without any process, and could have been seen without any Bill in Chancery being filed. They were not merely "*exhibited*,"—they were most carefully examined on the part of the plaintiff.

MR WHATELEY. I will give my friend the contents and particulars of the deed, as well as I can. Do you (Mr Alexander) mean to put it in?

MR ALEXANDER. I cannot tell you whether I put it in or not at present; we are working in the dark; my friend says, "I will tell you the contents and particulars of a deed."

MR JUSTICE WILLES. Will you say whether you put it in or not?

MR ALEXANDER. I want to see whether it is a deed that bears upon the question.

MR JUSTICE WILLES. Then your junior had better look at it, while you are going on with something else.

MR ALEXANDER. If you please, my Lord, my friend Mr Phipson will look at it.

THOMAS THOMAS sworn, and examined by MR SERJEANT
Pigott.

Q. Did you know Isaac Morgan?

A. Yes.

Q. Are you a mason and builder at Newport?

A. Yes.

Q. You knew Isaac Morgan, you say?

A. Yes.

Q. Did you work for him sawing timber several times?

A. He worked for me several times as a sawyer.

Q. Did you use to talk to him about his family?

A. Several times.

Q. Did you ever hear him say anything about his being related to anybody in particular?

A. He always considered himself as related.

MR KRATING. You are asked what he said.

A. He said he was the heir to this property.

Q. What property?

A. Pantygoitre.

MR SERJEANT PIGOTT. Did he say where his family came from?

A. He said the first commencement was from Mamhilad.

Q. Did he say where they came from afterwards?

A. He was brought up in the parish of Bassaleg.

Q. You say he said he was heir to the property, did he say anything about the Miss Morgans.

A. No; he did not say anything about the Miss Morgans.

Q. Did he mention the Miss Morgans?

A. He mentioned Mr Morgan of Pantygoitre, and the Miss Morgans, and he said he wished many times to go and see them but he thought as he was poor they might be shy towards him.

Q. Did he say anything about his relationship to them?

A. He said he *was descended from them*, and he was the only heir living at that time.

Q. Nothing more particularly?

A. Nothing else particularly.

Cross-examined by MR KRATING.

Q. When was it that he told you this?

A. It was in the year 1837 or 1838, or 1839.

Q. Was he a well-educated person?

A. He was very well for a man in his capacity of life.

Q. Did he appear to you to have attended to his school?

A. He was working at his business.

- Q. What aged man was he then?
 A. I cannot tell, I was a younger man than him.
 Q. I suppose he was like other men of his class?
 A. He was a sawyer, a top sawyer.
 Q. Did he mention the name of any of his relations?
 A. He mentioned Mr Morgan of Pantygoitre and Miss Morgan.
 Q. But said that he was ashamed to go and see them, for fear they might be shy?
 A. Because he was poor.

ANNE MORGAN sworn, and examined (through the Interpreter)
 by MR ALEXANDER.

- Q. Are you the mother of Jacob Morgan, the plaintiff?
 A. Yes.
 Q. What was your husband's name?
 A. Isaac Morgan.
 Q. And when was her son Jacob born, or how old is he?
 A. He is thirty-three years of age.
 Q. Does she remember the Chartist riots at Newport in 1841?
 A. Yes.
 MR JUSTICE WILLES. *I have his death on my note already.*
 MR ALEXANDER. It is true the witness said he was dead, but it was under the peculiar circumstances I opened to the jury.
 MR JUSTICE WILLES. There has been no cross-examination with regard to it. *I will not allow that to be disputed afterwards, because it was stated positively that he is dead.*
 MR WHATELEY. I do not mean to dispute it the least in the world.
 MR KEATING. He was frightened to death by my friend Sir Thomas Phillips.

EMMA THOMAS sworn, and examined by MR SERJEANT PIGOTT.

- Q. You are the wife of Thomas Thomas, are you?
 A. Yes.
 Q. I believe you are the sister of the last witness, Anne Morgan?
 A. Yes.
 Q. Do you remember Isaac?
 A. Yes, quite well.
 Q. I believe he came after the Chartist riots at Newport, to hide in your house at Bristol?
 A. Yes.
 Q. Whilst he was there did he say anything to you about his aunt?
 A. Yes; he said he had a great aunt in the neighbourhood of Pontypool, and she was a very rich old lady, and he wished much if he had some of her money; if he had, he would have cut away from the country through the Chartists at Newport.

PHILLIP EDWARD TILLARD sworn. Examined by
 MR SERJEANT PIGOTT.

- Q. Are you the clerk to Mr Tanner?
 A. Yes.

Q. Who is the attorney for the plaintiff?

A. Yes.

Q. Did you take this from a tombstone at any place (showing the witness a paper)?

A. Yes, I took it from a tombstone at Peny-garn.

Q. Is that a burial ground for a dissenting chapel?

A. Yes, half-a-mile from Trevethan Church.

Q. But it is the graveyard to a dissenting chapel?

A. Yes.

Q. Is this a correct copy.

A. Yes.

Q. In the parish of Trevethan?

A. Yes.

MR SERJEANT PIGOTT. Now we will read it.

MR WHATELEY. Stay a moment; I want to ask a question first.

Cross-examined by MR WHATELEY.

Q. Whereabouts is this tombstone?

A. In the churchyard.

Q. In what part of the churchyard?

A. In the corner near the road.

Q. Was it lying down upon the ground, or standing upright?

A. Lying down upon the ground.

Q. Was it covered over?

A. No, it was not covered over with anything.

Q. Do you mean to say it was obvious to any one who went to look for it there?

A. It was the first time I went there; but it was not so much so, the second.

Q. When did you first look for it?

A. About a year ago, I think.

Q. Was it then lying flat on the ground?

A. Yes.

Q. Near to the road, do you say?

A. It is the nearest side of the road to the churchyard or chapel.

Q. The public road.

A. Yes, there is a public road.

Q. A carriage road.

A. Yes, a carriage road. The churchyard adjoins the road.

MR SERJEANT PIGOTT. The words are, "Here lieth the body of Diana, the wife of John Morgan, who died May 17th, 1745, aged forty-seven years."

MR WHATELEY (to the witness). Is it a newly-cut stone?

A. No, it is not.

Q. What I want to know is whether it appeared to be perfectly legible, as if it had been cut lately?

A. No, it is an old stone.

MR SERJEANT PIGOTT. There is a fact which has been omitted, which we wish to supply.

MR FREDERICK PHILLIPS sworn. Examined by Mr PHIPSON.

Q. What are you?

A. A grocer.

Q. Where do you live?

A. At Pontypool.

Q. Did you take the copy of a tablet in Llangibby church?

A. I did.

Q. Have you it here?

A. Yes, that is it. (Producing a paper.)

Q. Is it in the church or churchyard?

A. In the church.

MR SERJEANT PIGOTT. It is "Sacred to the Memory of John Morgan, of Graigwith House, in this county, Esquire."

MR JUSTICE WILLES. Have you copies of all these documents?

MR SERJEANT PIGOTT. Yes, we will give your lordship a copy of these two. There are only two tablets.

MR JUSTICE WILLES. If there were only two I prefer copying them.

MR SERJEANT PIGOTT. "Of Graigwith House, in this county. He was the eldest son of William Morgan, of Mamhilad, in the same county, Esquire; and of Rachel his wife, who was the eldest daughter of John Jones, Esquire, of Graigwith House. He died the 19th of May, 1806, age fifty-eight years." Then there is this short entry, after that: "Also Rachel, wife of the above-named John Morgan. She died the 11th of March, 1824, aged sixty-seven years."

Q. Is that correct?

A. Yes.

Q. Did you search the Registers of Llanover?

A. I did.

Q. Did you find them complete or incomplete? What Registers did you search?

A. They are all together,—marriages, baptisms, and everything.

Q. Did you find them complete, or were there any chasms or deficiencies in them?

A. I have stated in the paper what the deficiencies are.

Q. Were there certain years for which there was no register?

A. Yes, I believe so.

Q. Did you make a note upon the paper of the years for which they were deficient?

A. The gentleman who was with me did.

Q. Who was that?

A. Mr Tillard.

Q. You or he put down for what years the Register was deficient?

A. Yes.

Q. Did you search the Register and tell Mr Tillard, and did Mr Tillard write it down?

A. Yes.

Q. Did you also search the Register of the parish of Mamhilad?

A. I did.

Q. Did you find that for some years the Registers were wanting there?

A. Yes, for several years.

Q. Were they wanting for the years 1716, 1717, 1718, and 1720?

A. Yes, I believe that was the date.

MR TILLARD recalled.

Q. During what years is the Register of Llanover deficient?

A. There are entries in the Llanover Register in 1705, then in 1709, and then in 1712?

Q. The intervals are wanting?

A. Yes, the intervals are wanting.

Q. Those which you have mentioned are to be found, but the intermediate ones are wanting?

A. Yes; it is impossible to find the Registers for that time; they are on loose sheets of paper which fold in any way, and it is impossible to find out where they go on.

Q. During what other years is the Llanover Register wanting?

A. It is not stated on this paper.

Q. From 1733 to 1745 is there a Register at Llanover?

A. I am not certain about that.

Q. Perhaps you will search your papers, and be able to tell us by and bye?

MR SERJEANT PIGOTT. The Registers are here, my lord.

MR PHIPSON. We will have the Registers looked to, and put in a proper copy in the morning,—a copy which this gentleman will speak to.

Cross-examined by MR WHATELEY.

Q. Did you search in the Bishop's Register at Llandaff for the duplicates of the Registers?

A. No, I have not searched at Llandaff.

MR JUSTICE WILLES. Then there has been no search at all.

MR SERJEANT PIGOTT. We wish to supply a fact, if your lordship will allow it, with reference to the engraving upon the stone in the graveyard of the dissenting chapel.

HENRY MORGAN recalled. Further examined (through the Interpreter) by MR SERJEANT PIGOTT.

Q. Did you ever hear your father say where his grandmother was buried?

A. In Pennygarn.

Q. Was it in a churchyard or in a burying-ground belonging to the meeting house?

A. The meeting house.

Q. Did he ever hear it said whether she was a dissenter or not?

A. Yes.

Q. Who said so?

A. I heard my father say so.

Q. Did you hear him say whether she went to a meeting house?

A. The grandfather and grandmother both going regularly.

Q. To which?

A. To the meeting house.

Q. Which meeting house?

A. Pennygarn.

The Rev. JOHN EVANS sworn.—Examined by MR ALEXANDER.

Q. Are you the vicar of Llanover?

A. Yes.

Q. Do the parishes of Llanover, Mamhilad, and Trevethan adjoin each other?

A. Yes.

Q. Which is considered the mother church of those three?

A. Llanover.

Q. Are the others chapels of ease to Llanover, or something of that kind?

A. They are called chapelries.

Q. Of which Llanover is the mother church?

A. Yes.

Q. You have charge of the register books of Llanover I suppose?

A. Yes.

MR JUSTICE WILLES. Do you marry in those parishes?

A. They marry in each.

MR WHATELEY. And bury?

A. Yes.

MR ALEXANDER. You have the custody of the Registers of Llanover parish, have you not?

Q. Are there chasms in that register for different years?

A. There are deficiencies.

Q. Have you any register for your parish for instance from the year 1733 to the year 1745?

A. I have not noticed that particularly.

A. You have got the registers here, but you have not looked to that?

A. I have not.

Q. You can look in a moment as you have the registers here.

MR SERJEANT PIGOTT. There is no doubt that the fact is so.

MR ALEXANDER. Perhaps it will be better that he should look at the registers this evening and we will supply the evidence to morrow morning.

MR JUSTICE WILLES. Is there any other head of evidence you can go on with now?

MR ALEXANDER. Yes; my lord, there is still the evidence about the Bible which I propose to put in now.

MR JUSTICE WILLES. Then you had better go on with that now and leave these registers for the present; you do not put in extracts from the registers; but you propose to prove that they are defective, and that there are deficiencies in them.

MR ALEXANDER. Yes, my lord, we have not been able to find in them anything that is serviceable to the plaintiff.

MR JUSTICE WILLES. Then nothing remains I understand but that evidence and the Bible.

MR ALEXANDER. No my lord.

MR JUSTICE WILLES. We had better see at once what the Bible is, let me look at it.

(The Bible is handed to his lordship.)

MR ALEXANDER. Your lordship will perceive two places which are marked with a white ribbon, it is a Welsh Bible to which I understand is prefixed the form of common prayer, and in the beginning of the Bible you will find the name of William Morgan of Mamhilad rather printed than written, and it is also written on one of the fly leaves.

MR JUSTICE WILLES. It is an old Bible.

MR ALEXANDER. Yes, my lord, it is a Welsh Bible of the date of 1678 I think—there is the name of William Morgan of Mamhilad in it, the “W” of the William is printed and the “M” of Mamhilad is also

printed. It is to be found in the first page of the book, and that is followed by some latin statement of its being his book.

MR JUSTICE WILLES. Yes, "Hic liber est meus."

MR ALEXANDER. Then lower down in the book your lordship will find the name "John Morgan of Trevethin."

MR JUSTICE WILLES. Out of whose custody does this book come?

MR ALEXANDER. It comes from a person of the name of Pritchard, who said that he was a relation of the Morgan family, I should say more properly a connexion of the Morgan family. In some other parts of that book will be found first the signature of a William Morgan with a very peculiar circumflex "W" to the "William."

MR JUSTICE WILLES. Can you prove this book to have been in custody in which it would be likely to be? If it had been in the possession of William who you say was the brother of John it would be of some importance.

MR ALEXANDER. I cannot carry it further than by proving that Pritchard considered himself a connection of the family.

MR JUSTICE WILLES. If it came out of custody which would shew that it was very likely to have been in the possession of William Morgan: it need not be certain, but if it is highly probable that it was in his possession, then the book itself would be evidence of his handwriting, but without that proof of custody or proof of the handwriting I should think it would not be evidence.

MR ALEXANDER. We will prove the handwriting of William Morgan of Mamhilad by a comparison of the handwriting; your lordship will see the name further on in the book.

MR JUSTICE WILLES. Yes, I see the name "William Morgan."

MR ALEXANDER. Yes, my lord, with a very peculiar circumflex "W," and you will afterwards find at another part marked with a white ribbon "John Morgan of Trevethin," or "late of Trevethin," a large "John," and then a smaller "John," written "John Morgan, Trevithin," and it will be found by comparison that the "William Morgan" written on the page to which I have just referred and the "William Morgan" on the deed which will be put in, is the handwriting of the same person. By that deed of 1697 it appears that William Morgan was the son of Edmund Morgan and Catherine his wife. It is so recited in the deed.

MR JUSTICE WILLES. Who do you say this William Morgan is whose name appears in the book?

MR ALEXANDER. The same William Morgan whose signature is upon the deed of 1697.

MR JUSTICE WILLES. Which of the Williams we have been referring to?

MR SERJEANT PIGOTT. William the common ancestor.

MR JUSTICE WILLES. The William whose brother it is alleged John was?

MR ALEXANDER. No, my lord; William the father of both those.

MR JUSTICE WILLES. He is not the common ancestor.

MR ALEXANDER. William, the husband of Eleanor.

MR SERJEANT PIGOTT. The father of William and John.

MR ALEXANDER. Besides those two handwritings to which I have called your lordship's attention in the book, your lordship will find the name of "Edmund Morgan" written across on one of the fly-leaves at the commencement, in a very fine and remarkable hand. It is written with great minuteness.

MR JUSTICE WILLES. You must prove what you can with respect to this book.

MR ALEXANDER. Perhaps the best plan will be to put in this deed of 1697 first.

MR SERJEANT PIGOTT. The deed is dated the 1st of October, in the ninth year of the reign of our Sovereign Lord William the Third. That would be 1697. There is no anno domini.

MR JUSTICE WILLES. The signature is all you have to refer to.

MR SERJEANT PIGOTT. No, my lord. We are going to put in the deed for another purpose.

MR PHIPSON. We put in the deed to show that Edmund was married to Catherine, and was father to Edmund Morgan; that Edmund is a family name.

MR ALEXANDER. Your lordship will find that the signatures of Edmund Morgan and of William Morgan are the same as the signatures which are found in the Bible.

MR SERJEANT PIGOTT. The deed is dated the 1st of October, 1697, between Edmund Morgan, of the parish of Mamhilad, in the county of Monmouth, and Catherine his wife, and William Morgan of the parish of Mamhilad aforesaid, son and heir apparent of the said Edmund Morgan and of Catherine, of the one part, and Theophilus Reynolds of the Garn, in the parish of , in the said county of Monmouth, Esq., and John Morgan, of Pontybethin, in the parish of Llangibly, in the said county of Monmouth, of the other part. Then the deed witnesses that in consideration of the sum of five shillings of lawful English money unto the said Edmund Morgan and Catherine his wife, and William Morgan, before the taking and delivery hereof, by the said Theophilus Reynolds and John Morgan in hand, paid.

MR PHIPSON. It might be stated shortly that the purport of the deed, as far as I have seen it, is this—It shews that William was the son of Edmund, by Catherine, his wife, and then it goes on to release and convey certain premises at Mamhilad to trustees, one of whom is called John Morgan, in trust for the heirs of the body of William, being his marriage settlement. It seems to have been the marriage settlement of William, the husband of Eleanor, a settlement made upon the marriage of William and Eleanor, and it conveys certain property to them for life, I believe; at all events, to their heirs in tail. It has nothing to do with the property now in dispute. It is only produced to show that Edmund was the father of that William, that Edmund was a family name, and that he was the father of William.

MR JUSTICE WILLES. That the common ancestor had a father of the name of Edmund.

MR PHIPSON. That is all.

MR JUSTICE WILLES. And for the handwriting.

MR PHIPSON. That is really all the value of the deed; then it is executed by these parties Edmund and William. As to these signatures which are very peculiar, we suggest, and mean to prove, that they are in the same handwriting as the signatures in the Bible.

MR JUSTICE WILLES. You propose to prove that?

MR PHIPSON. Yes, my lord.

MR WHATELEY. It is very desirable, if my friend proposes to put in this book, that he should do it by daylight, and that there should be some account given of it.

MR JUSTICE WILLES. Let us see first of all whether it is admissible or not.

MR WHATELEY. If your lordship pleases.

MR WILLIAM HERAPATH sworn. Examined by MR PHIPSON.

Q. Have you been accustomed to examine handwriting with a view to ascertain whether a certain writing is or is not written by the same person as another handwriting?

A. Yes, I have occasionally done so.

Q. Have you examined the signatures in that Bible?

(The Bible is handed to the witness.)

A. Which signatures do you refer to?

Q. Have you seen them?

A. I have seen many of them.

Q. Have you examined the signature in that Bible, "William Morgan?"

A. Yes.

Q. Have you also attentively examined the signature "Edmund Morgan" in that Bible?

A. Yes.

Q. Will you just open the book so that we may see you are speaking of the same signature as that to which my lord's attention has been called,—first, as to the signature "William Morgan," is there a peculiar circumflex sort of "W."?

A. Yes, it is like two eights put over each other and then curled up.

Q. Does that occur more than once?

A. Yes.

MR JUSTICE WILLES. Are you acquainted with ancient handwriting?

A. I have seen a great number of ancient documents.

Q. But have you studied ancient handwriting so as to be familiar with the handwritings of particular periods?

A. I could not speak to that.

MR PHIPSON. Will you look at the circumflex "W" in that book (the Bible)? Are you or are you not of opinion that those W's are written by the same person?

A. They are of the same character.

MR JUSTICE WILLES. I doubt that. If you (Mr Phipson) look again, you will find that in the deed the small letters are very pronounced and distinct, and they are rather straggling in the Bible.

MR PHIPSON. They might have been written at a different time of life, probably.

A. There are two W's which differ from each other.

MR WHATELEY. What paper are you referring to?

A. A fac-simile which I took. One "William" is very much like what I described just now. Here is a "W," the first stroke of which begins something like the old English "W"; and the "M" in that "Morgan" differs rather from the "M" in the second "William Morgan."

MR JUSTICE WILLES. This is the vice of referring to similarities in particular letters instead of referring to the general character of the handwriting. What I was pointing out was, that the general character of the "William Morgan" in the deed appears to me to be in the handwriting of a considerably older man, and of a man who deliberately set about forming his name by writing every letter. The letter "W," no doubt, is like,—it is very like; but I do not agree that the smaller letters are.

MR PHIPSON. Mr Herapath has not seen the deed yet, my lord.

MR JUSTICE WILLES. I thought he had said that these signatures are like the signatures upon the deed.

MR PHIPSON. No, my lord, he has not said that yet. I was about to hand him the deed. I was asking him, in the first instance, whether he has examined the signatures in the Bible.

MR JUSTICE WILLES. I thought that these were things which he had seen before he came here.

MR PHIPSON. No, my lord, he has never seen the deed.

THE WITNESS. I have seen nothing but this book (the Bible), my lord.

MR PHIPSON. Now look at the deed, if you please (handing the deed to the witness). This is a bad light for looking at handwriting; it ought to be done by daylight. Just look quietly at that "William Morgan" for a moment or two.

A. The "W" is written in the same way, like a double-eight.

Q. Will you be good enough to answer the question I put to you when you have examined the signature?

A. The "William" is not written long, but "Will."

Q. I am asking you to be good enough to look at it, and then I will put a question to you.

(The witness examines the writing.)

MR PHIPSON. Now, are you ready?

A. Yes.

Q. Having examined that "Edmund" and "William Morgan" on the deed, and having examined the "William Morgan" on the Bible, are you or are you not of opinion that they were written by the same person?

A. Yes, I am. They are written in the same style; one is larger than the other; one seems to be a formal handwriting, and the other is written without formality.

Q. Whatever slight differences there may appear to be in them, are you of opinion that they are written by the same person?

A. I think so. There is a peculiarity in several of the letters,—they resemble each other.

MR WHATELEY. Does your lordship think this is evidence? This is not the evidence of an expert.

MR ALEXANDER. There is nothing in the evidence which requires that the witness should be an expert.

MR JUSTICE WILLES. This is evidence for me.

MR WHATELEY. If it is for your lordship, I do not care about it.

MR JUSTICE WILLES. I asked Mr Herapath whether he is acquainted with the handwriting of different periods with an object. With great respect to Mr Herapath, I do not know how he can speak upon the subject more than another man.

MR PHIPSON. The deed being in evidence, we might submit this to the jury.

MR JUSTICE WILLES. No, you cannot show the documents to the jury till you lay some foundation for it. I have never known evidence of the kind to be given before. I do not know whether anybody else has. The book could not be put in unless it came from the family. I feel rather anxious that there should be something like substantial evidence to prove that some of the family had the Bible in their possession.

MR PHIPSON. We have some evidence upon that subject, my lord, but it is only slight.

MR JUSTICE WILLES. I do not mean to say that the book does not seem to be a genuine book : it does ; but we must see that it was in the family in question, otherwise it may deceive the jury.

MR PHIPSON. Supposing that your lordship and the jury should be satisfied that the signature "William Morgan" in the book is in the same handwriting as the "William Morgan" in the deed, then the book must have been in the family. This is one mode of proving the fact.

MR JUSTICE WILLES. No.

MR PHIPSON. We put that as a presumption.

MR ALEXANDER. This is a new question, arising upon the toleration given to comparison of handwriting under the recent law.

MR JUSTICE WILLES. No doubt, but for that the question would not arise. It used always to be considered that books of this kind were not admissible in evidence, unless they were shown to have come out of the hands of some member of the family.

MR ALEXANDER. But now that the law recognises the propriety of comparing handwritings, the question as to the admissibility of the evidence stands upon a different footing.

MR JUSTICE WILLES. Let me see whether it is for the jury or for the Judge. Let me look at the Common Law Procedure Act. Which is the section that relates to it?

MR PHIPSON. I am sorry to say that my copy of the Act is not here. It is in the Act of 1854. It does not require that they should be skilled witnesses.

MR JUSTICE WILLES. No, you first say that the writing in the margin in the Bible is the same as the writing in the deed, and you say that the writing in the deed is presumably the writing of the person who writes "Hic liber est meus."

MR ALEXANDER. Yes, my lord.

MR JUSTICE WILLES. I will receive the evidence.

MR PHIPSON (to the witness). Have you also examined the signature "Edmund Morgan" in the Bible?

A. There are several "Edmund Morgans" in the Bible.

Q. Will you look now at the signature "Edmund Morgan" in the deed?

A. Yes, there is a great peculiarity about the letter "E."

Q. In your judgment are the words "Edmund Morgan" in the Bible written by the same person as wrote that signature to the deed?

A. This (the deed) is very similar to one or more of the "Edmund Morgans" in the Bible.

Q. Are those signatures, in your opinion, written by the same person or not?

A. There are many "Edmund Morgans," and they are written in a different way.

Q. What part are you alluding to now?

A. I cannot tell by this light. They are written over other writing, and sometimes other writing is written over them. I should have some difficulty in finding it now.

MR JUSTICE WILLES. There is great difficulty in doing it now. Probably we had better proceed with this evidence to-morrow morning. I would just put it to you (Mr Phipson) to consider the matter a little. I suppose you are going to put in some entry in the Bible. The difficulty arising from its being out of the pale of the family is this,—that you cannot tell at what time it came into William Morgan's hands. You had better, therefore, consider how far, supposing I

should receive it (and probably, as it is a new question, I should do so), you will put yourself in peril by it. Generally, when a book of this kind has been put in, it has been in consequence of some list at the beginning of it, "Born so and so," or "Married so and so;" whereas this is a book which seems to have been written in by a school-boy, and to have been scribbled in from time to time. You had better consider till to-morrow morning whether it is worth while to tender it.

Adjourned to to-morrow, nine o'clock.

SECOND DAY.

MR PHILLIP EDWARD TILLARD recalled. Examined by
MR PHIPSON.

Q. Have you now gone over the registers which you searched so as to be able to state for what years they are deficient?

A. Yes.

Q. Will you state, if you please, for what periods, if any, the registers of Mamhilad are deficient?

A. There are no entries in the Mamhilad registers for 1683 for 1685.

Q. You need not begin so early.

A. There are some notes stating that from 1716 to 1720 the registers are wanting—1727 is not registered 1729 and 1730—then there is another entry stating that 1732, 1733, and 1734 are not set down.

Q. There are no registers in those years?

A. No, there are memorandums to that effect in the book.

Q. And you find none?

A. No.

Q. What other registers do you speak to?

A. Goitre.

Q. What of that?

A. 1729, 1730, and 1731 are not set down.

Q. Have you any other parish?

A. Trevechin—I searched there—from 1709 to 1726 inclusive they are not set down.

Q. Is there a note to that effect?

A. No; one book ends in 1709, and the next begins in 1726, and there is no register between, it begins in 1727.

Q. Have you any other to give us?

A. Llanannock.

Q. I do not know that we know anything about that.

A. That commences in 1711—1712, 1713, 1727, 1728, 1729, 1730, 1738, 1740, 1741, to 1751 inclusive are not registered.

Q. It is suggested that that is the parish where William Morgan the common ancestor, was married. Have you any other?

A. There is Llanover.

- Q. The mother church ?
 A. Yes; 1716 and 1720 are not registered; then there is a gap from 1735 to 1744 inclusive, they are not registered.

Cross-examined by MR WHATELY.

- Q. Have you examined the Bishop's Register ?
 A. No I have not.
 Q. Not for the duplicates ?
 A. No.
 Q. For none of them ?
 A. No.

MR JOHN HUCKWELL sworn. Examined by MR PHIPSON.

- Q. Have you made any search in the Bishop's Register for the duplicates of the registers ?
 A. I have.
 Q. Where did you search ?
 A. I searched in seven years transcripts.
 Q. Seven parishes ?
 A. Seven parishes.
 Q. What registers ?
 A. I searched in Llanover, Trevethin, Abergavenny.
 Q. The Bishop's Register ?
 A. Yes.
 Q. For what parishes ?
 A. Llanover, Mamhilad, Trevethin, Abergavenny, Goitre, Llancellock.
 Q. In Trevethin did you find the registers complete or not ?
 A. With one or two exceptions, for one or two years—I cannot remember without referring.
 Q. You should have had them ready.
 A. I have them here.
 Q. From 1709 to 1726 is there a deficiency ?
 A. There is nothing older than 1725, there is no transcript before that with one exception, 1691.
 Q. Before 1725 there is no transcript ?
 A. No transcript.
 Q. Now as to Mamhilad, how does that stand ?
 A. It commences from 1725.
 Q. Do you mean to say there is none before that ?
 A. There is none before that.
 Q. Does it go on regularly after that ?
 A. It does.
 Q. Up to what time.
 MR JUSTICE WILLES. You had better take those that are not in the parish register.
 MR KEATING. All after 1725 are regular are they ?
 A. Yes.
 MR PHIPSON. Now the next parish ?
 A. Llanover, that commences from 1726; there is one in 1697.
 Q. And does it go on regularly after that ?
 A. Yes.

- Q. Now the next?
- A. Goitre, that commences with 1725 ; there is also one in 1797.
- Q. After 1725 is that regular?
- A. Yes ; then there is Llanfoist.
- Q. I think we need not trouble you about that, you have searched at Llanfoist if it is wanted?
- A. Yes ; then there is Llanellan.
- Q. That is a new name too, is that an adjoining parish?
- A. It is not far distant.
- Q. You searched there at all events?
- Q. Yes ; they begin in 1725 ; there is also one for 1697, then Abergavenny.
- MR JUSTICE WILLES to MR PHIPSON. Do you want that?
- MR PHIPSON. No, I think not, my lord.
- MR JUSTICE WILLES. The only one remaining is Llanover.
- MR WHATELEY. We had that just now.
- MR SERJEANT PIGOTT. Now, my lord, we will put in the deeds.
- MR KEATING. They were put in last night before Mr Herapath was called.
- MR SERJEANT PIGOTT. Then we will examine Mr Herapath.
- MR WHATELEY. There is a gentleman in attendance here who is very expert in these matters. He is, no doubt, known to your lordship by name (Mr Nethercliff) ; perhaps your lordship will allow him to come into court to hear what Mr Herapath says upon this subject?
- MR SERJEANT PIGOTT. Certainly, we cannot object to that.

MR WILLIAM HERAPATH recalled. Further examined by MR SERJEANT PIGOTT.

- Q. You have seen the signatures on this deed (handing a deed to the witness)?
- A. No ; I have never seen this deed before.
- Q. First look at the " William Morgan," and observe, if you please, the " W ? "
- A. Yes ; the " W," the " M," and the " r," are made similar to one that appears in the Bible.
- Q. Now look at the " William Morgan " on that (handing another deed to the witness)?
- A. I think they are both the same.
- Q. Now look at " William Morgan " on the margin there (handing the Bible to the witness)? Do you believe that to be written by the same hand as wrote the " William Morgan " on the deeds?
- A. It has very much the same style and character—the M, r, and g —this is written larger and closer together, but it seems to have been written by the same hand.
- Q. Did you ever see a " W " written like that before?
- A. No.
- MR SERJEANT WILLES.—Have you seen many writings of the date of the latter end of the 16th century.
- A. I have seen printing to a very considerable extent, but not writing.
- MR SERJEANT PIGOTT. Now look at the signatures of Edmund Morgan to the deeds?
- A. Both those signatures in the deeds have the same character of capital E that I find in the book. There are four Edmunds.

Q. Do you believe that the Edmund Morgan that is written there is the same character—the same handwriting as that in the deeds?

A. The "E" is a very peculiar one.

MR KEATING. Had you not better answer the question?

A. Yes, I think they are.

MR SERJEANT PIGOTT. My learned friends may, if they like, cross-examine you, as to your reasons for coming to that conclusion. In the fly leaf or on the back of the last leaf of the book of Malachi, there is "John Morgan"—in your judgment is that an old writing?

A. Oh, yes; I do not think it is modern.

MR JUSTICE WILLES. That I shall not take down, because Mr Herapath does not profess to know anything of old writing.

THE WITNESS. Not of the dates, my lord.

MR JUSTICE WILLES. Are you the Mr Herapath, the great chemist?

A. I am speaking as a chemist now.

MR SERJEANT PIGOTT. My question ought rather to have been addressed to the age of the ink.

A. I think it is old ink. I think it has been exposed to the atmosphere for a considerable time.

Q. When you say a considerable time, can you give me any notion as to the length of time?

A. A great many years.

Q. And as a chemist you are competent to give an opinion upon that subject?

A. I am.

Cross-examined by MR WHATELEY.

Q. When did you first see that book?

A. When I was here last week upon another trial.

Q. Was that before the court adjourned to Gloucester?

A. Yes; on the same day or the day before I think.

Q. Or the day after, which?

A. Really I cannot tell, but I think it was a day before.

Q. Just be correct?

A. I cannot tax my memory—it was about that time.

Q. You did not come here upon the last occasion for the purpose of giving your evidence in this case with reference to this book?

A. Certainly not, it was after I had been examined on another trial, I recollect.

Q. That was a trial in the other court, in a poisoning case?

A. No, not in a poisoning case, a case of murder.

Q. Ink varies very much, does it not?

A. Yes, according to its composition.

Q. It is not very difficult to make ink look like old ink?

A. No; you may do so by admixture.

Q. For instance, the ink I wrote with last night I see is extremely brown, while some that I wrote with some weeks ago will be quite black?

A. I do not know, it may be so.

Q. It depends upon the composition of the ink, I suppose?

A. Yes; it is possible to make recent ink look something like old ink.

Q. It is not only possible but easy to do so. It depends upon the chemical composition of the ink?

A. No; it depends on the oxidation of the iron.

Q. That is the same thing you know?

A. Not exactly.

Q. I am not going to bandy terms with you on a matter of chemistry. How often have you been called on to give evidence as to ancient handwriting?

A. A good many times; at least I have had to examine it a good many times.

Q. I did not ask you that. How often have you been called on to give evidence as to ancient handwritings?

A. I do not think I have been examined many times on ancient handwriting, though I have had a good many times to examine it.

Q. Have you ever been examined as to the date of particular items?

A. No.

Q. If I understand you rightly, you saw this book for the first time when you came to Monmouth last week?

A. Yes.

Q. When did you see it again? When you came here yesterday or the day before?

A. The first time I came here I saw it.

Q. When did you see it the second time?

A. On Tuesday night I think I saw it.

Q. The ink varies a good deal in this book does it not?

A. Yes.

Q. Some of the ink is perfectly black and looks like modern ink, does it not?

A. I do not see any that looks so.

Q. Look at that which is this instant opened to my eye, that dark black entry (handing the Bible to the witness, and pointing out the entry)?

A. Do you mean the name of John Morgan?

Q. I am talking of the writing *here*?

A. There is a good deal of writing here.

Q. Look at the darkest ink?

A. That is "John Morgan, late of the parish of Trevethin;" that is what I spoke of just now as being old ink, ancient ink.

Q. Is there not some writing above that looks of a different kind; that is old ink is it not?

A. It is paler and older no doubt—it looks so.

Q. Do you mean that the older ink is always paler than more recent ink?

A. No; it is more inclined to redness.

Q. Does not that in a great measure depend upon what the ink is composed of?

A. No; it depends more upon the exposure to the moisture of the atmosphere—in recent ink it is in the state of the first oxide of iron.

Q. Your red is the oxide of iron after a long exposure to the atmosphere?

A. Yes.

Q. There are several modes of making ink, are there not?

A. The proportions differ—the general mode of making it is the same; there is a blue black in recent ink which is not found in old ink, that is, the blue blackness disappears, and the iron passes to the state of red oxide, and combines, like iron-mould with cloth or with paper.

Q. Was not the old ink often made with gall?

A. Yes; modern ink is made with galls, and so is ancient ink, galls and sulphate of iron, and a little gum to prevent its falling.

MR JUSTICE WILLES. Ink used to be made with carbon in some form?

A. That is more of the Indian ink character.

Q. Some of the very old writings are written with that ink?

A. Yes; old charters.

Q. If you look at the old charters you do not find the ink to have been made with galls and iron, but with something like lampblack?

A. Something like Indian ink.

Q. Oak galls?

A. All ink is made now of oak galls and logwood, with sulphate of iron or copperas, as it is called, and a little gum, and sometimes a little sulphate of copper added to it. There is a little sulphate of copper generally added now to ink, to improve its colour.

Q. The other is blue vitriol?

A. Yes, one is blue vitriol and the other is green vitriol.

Q. I understand you to say that you think the ink with which this writing in the Bible was written is ink which you recognise as having been made in the way you have described, and you think it has been there for a great many years?

A. Yes, and I think it has been subjected to the action of the atmosphere.

Q. How many years you cannot possibly say?

A. No.

Re-examined by MR SERJEANT PIGOTT.

Q. Were you not called in to attend a consultation with counsel last week?

A. Yes, I was.

Q. And to give your opinion upon the writing at that time?

A. Yes, I was.

MR JUSTICE WILLES. Under the Latin inscription there is "Et meus."

MR SERJEANT PIGOTT. Under the "Hic liber."

MR JUSTICE WILLES. Yes, you want to use this for the "John" at the end of the book Malachi?

MR SERJEANT PIGOTT. Yes, my lord.

MR JUSTICE WILLES. You have no evidence of that being the writing of any particular person?

MR ALEXANDER. No, my lord, we have not.

MR SERJEANT PIGOTT. We will put in the Bible if your lordship receives it.

MR JUSTICE WILLES. Is it objected to? You (Mr Whateley) see what the object of putting it in is? It is for the purpose of what is written at the end of the Book of Malachi. I do not know whether it is worth your while to object to it.

MR WHATELEY. It appears to me to be utterly unimportant, my lord.

MR JUSTICE WILLES. Mr Alexander has stated that all the use he seeks to make of it, is for the purpose of the name that is written at the end of the Book of Malachi.

MR ALEXANDER. I wish to show, that "John Morgan late of the parish of Trevethin." at the end of the Book of Malachi, is found in this book, which, from the similarity of the handwriting, appears to have belonged to Edmund Morgan of Mamhilad, the common ancestor.

MR JUSTICE WILLES. I do not think, Mr Whateley, that it is worth while objecting to it.

MR WHATELEY. No, my lord.

MR JUSTICE WILLES. Then it may be read that in the beginning, and throughout there are signatures which resemble so nearly the signatures appearing on the deed, that Mr Herapath says he believes they are the same; then between Malachi and the Apocrypha there is this, which is very peculiar writing, "John Morgan, late of Trevethin,——" that is the whole that is in the book. It is for the purpose of showing that there was a John Morgan who was connected with William Morgan. You (the jury) shall see the book by-and-by, when you come to consider the matter.

MR ALEXANDER. There are two letters of Mr Waddington's which we will put in.

MR SERJEANT PIGOTT. One is dated the 16th of August, 1855, and is addressed by Mr Waddington, the attorney for the defendant, to Mr Tanner, the attorney for the plaintiff: "Dear Sir, I have not at present documentary evidence that Miss Morgan's grandfather had no brother, but we have hearsay evidence, and, as I said before, I have no doubt of the fact. I am aware it is not conclusive, but it is observable, that the will of the great-grandfather mentions a son and three daughters, and no other children." The other letter is dated the 16th of February, 1856; that also is from Mr Waddington to Mr Tanner: "Dear Sir, Not having heard from you so long, I supposed the claim of the plaintiff had been dropped. I was therefore a little surprised the other day to find that the defendant, without any previous intimation to me, had been served with an ejectment, which, if you had been good enough to forward to me, I would readily have given my undertaking to appear to. As it is, I think it right to mention for your guidance in continuing the proceedings, that the statement which I have already made to you, namely, that the intestate's grandfather had no brother, will be found to be correct, and, among other circumstances which go to show this, is a written document which at the time of our correspondence I had myself not seen, being mislaid, but which Mr Nicholl's father has laid his hand upon since the ejectment was brought, and which confirms such statement in my opinion beyond dispute."

MR ALEXANDER. I also opened the circumstance of Mr Nicholl, the defendant, taking possession of the property on the same night that the intestate died.

MR WHATELEY. That is admitted.

MR JUSTICE WILLES. I have put down, that the Bible comes from the hands of a Mr Phillips, who supposes himself to be a member of the family.

MR ALEXANDER. Pritchard, my lord.

MR WHATELEY. I should like them to prove that.

MR JUSTICE WILLES. It is admitted, on the ground of the handwriting, the only reason why I had taken down the custody from which it comes, is because there may be some question hereafter as to the weight of the evidence; it comes from the hands of a Mr Pritchard who supposes himself to be, but is not proved to be, a member of the family.

MR WHATELEY. Perhaps your lordship will be kind enough to add to that that there is no evidence from whence the Bible came.

MR JUSTICE WILLES. No evidence is given as to its custody.

MR WHATELEY. We do not admit it to have come from Pritchard.

MR JUSTICE WILLES. It is opened so, but no evidence is given as to its custody?

MR ALEXANDER. That is the plaintiff's case, my lord.

MR WHATELEY. May it please your Lordship,—Gentlemen of the Jury: It now becomes my duty to address you on the part of the defendant, the Rev. Iltyd Nicholl, to offer to you some few observations upon the case as it at present stands, and also to direct your attention to the evidence which, with the assistance of my learned friends, I shall lay before you on behalf of the defendant.

I shall not detain you very long upon the present occasion in making observations upon my learned friends' case, for this reason, that it will become my duty at the conclusion of the evidence I have to give, to call your attention to the whole of the case as it will then have been presented to you. Inasmuch, therefore, as I would spare you the fatigue of hearing a twice-told tale, I shall not go into an examination of the case of the plaintiff in any great detail, but will only point out to you some few of the leading features of it, and then open to you such evidence as we have to offer (and most important evidence you will find it to be) on the part of the defendant. My learned friend said, and said with great truth, that the defendant is a gentleman of very high respectability. He is a clergyman of the Church of England, and he belongs to a family long resident in this county, which, at all events, must be known to you by name. The defendant's father, Mr Iltyd Nicholl, is a magistrate of the county; he has served the office of high sheriff, and is, I believe I may say, one of the most honourable and excellent men in this county. The family of Mr Nicholl have long been on terms of the greatest intimacy with the Morgan family, and they, as you may suppose, believed, and believe, that they are entitled to the property of the late Miss Rachel Morgan; and therefore, upon her death they lost no time in taking possession of that which was their own property, and also in taking possession of the deeds which gave a title to it. My friend made some observations upon that yesterday, as if he wished it to be inferred that they had thereby obtained an unfair advantage. I protest I know not what it is. There was no claimant of the property at that time. The plaintiff had not appeared; he did not make any claim or show any symptoms of an intention to make any claim, until long afterwards. Miss Rachel Morgan died in 1854, and it appears, if I am not mistaken, that it was at least twelve months afterwards that the plaintiff in any way showed himself as a claimant of the property. Mr Nicholl took possession upon the death of Miss Rachel Morgan, because there was valuable property requiring to be looked after; property to which the defendant had no claim and which was given up to the next of kin. Although Mr Nicholl, the defendant, claims to be (and I think you will be of opinion, is) the heir to the real estate of Miss Rachel Morgan, he was not the next of kin, and therefore the personal estate, consisting of furniture, money, coins, and so on, which belonged to the next of kin, has been divided among them.

Now, gentlemen, I will give you an account (and it shall be a short one) of the connexion that subsisted between these parties,—the family of the Nicholls and the family of the Morgans, of whom the intestate was one. They were extremely intimate. The Nicholls and the Morgans have been on the most intimate terms for a great number of years. The Morgans were on intimate terms with Mr Iltyd Nicholl, and Mr Iltyd Nicholl was on intimate terms with Miss Rachel Morgan, with the last William Morgan, with a gentleman named White, of Pontypool, their relation; and also with all the other branches of the family. They were on intimate terms also

with William Morgan, of Mamhilad ; and you will find, in the course of the case which we shall lay before you, constant declarations, especially by Rachel Morgan, that at her death the Nicholls would succeed to her real estate. At that time there was no question about the Morgans who have now sprung up ; they were then entirely unknown. I will call before you a gentleman, who was the confidential solicitor of Miss Rachel Morgan and the Morgan family, Mr Morgan, of Mamhilad, and others ; a gentleman who was formerly their confidential solicitor, but who has since been called to the bar, more for the sake of station than with an intention to practice,—I mean Mr McDonnell, who will tell you that, although he was intimate with the whole family, he never from first to last heard of any such person as the plaintiff who now claims to be heir to this property. I will also call before you a great number of persons who were intimate with the family of the Morgans, and who will tell you that upon many occasions this old lady, and several others of the family, said that the Nicholls were their nearest relations and that they would inherit the real estate.

Now, gentlemen, how is the case of the plaintiff sought to be made out ? It is sought to be made out simply and entirely by declarations, without a single document to support it, unless, indeed, you should consider the book which has been produced before you to be a document which supports it. It is sought to be made out entirely and exclusively by conversations which are said to have taken place between persons who are alleged to have been members of the Morgan family according to the plaintiff's pedigree, and others who are undoubted members of that family. The present claimant, you are aware, is a son of Isaac Morgan, who was the son of Willam Morgan, who was the son of Edmund Morgan ; and they say *that that Edmund Morgan was a son of a John Morgan*. Now, as my friend Mr Alexander said yesterday, when he opened the case with so much ability and clearness, the main point in the case is whether William Morgan of Mamhilad, who was the son of the man who has been called the common ancestor (though he is no ancestor of the plaintiff's, if our case is true), had a brother of the name of John. That is the great question in the cause, because if that John was really a brother of William, and if the other parts of the pedigree were true, then undoubtedly the plaintiff would succeed in establishing his case. But, gentlemen, I shall show you, I believe, *beyond the possibility of doubt, that there was no such person known, and that no such person could have existed as that John Morgan* ; and that, therefore, if there was a John Morgan, he was not of that family, or at all events he could never have been a legitimate member of that family. Now, gentlemen, my learned friend has called before you several old witnesses. The most important of those witnesses are the three surviving children of this Edmund Morgan. Edmund Morgan died in the year 1810, and they have called before you an old man named Harry Morgan, and two of his sisters, Amy Evans and Anne Evans, who have spoken to certain declarations, and if I mistake not, they are almost the only persons who have spoken to John Morgan. They say that their grandfather was a John Morgan. They are almost, if not entirely, the only witnesses who have spoken of that John Morgan, and they say that his wife was named Diana.

Now, gentlemen, I do not mean to go with any particularity through the evidence that has been given in this case at present ; but I wish you to bear in mind that that to which I have just adverted is almost the only evidence with reference to John Morgan. But, gentlemen, how is that evidence supported ? First of all, there is no certificate of the baptism of John Morgan. They say they have searched for it, and

have searched in vain. Be it so. There is no certificate of his baptism; there is no certificate of his marriage, nor is there any certificate of his burial. You have, however, this important circumstance: My learned friend has produced evidence to show that his wife Diana died on the 17th of May in the year 1745, and from the statement upon her tombstone you would infer that her husband was then alive. I have therefore this fact to start with, that at all events John Morgan was alive in the year 1745. The inscription on the tombstone of the wife, as well as I remember it, is, "Sacred to the Memory of Diana, wife of John Morgan, who died on the 17th of May, 1745." I do not mean to say that those are the exact words, but the inscription is to that effect. That is an important date, and it is corroborated by the statement they make in their own Bill in Chancery.

MR ALEXANDER. I must object to my friend stating anything that appears in some Bill in Chancery. No Bill in Chancery can be evidence here.

MR WHATELEY. I have a right to show what the history of the cause is.

MR ALEXANDER. You have no right to allude to any Bill in Chancery.

MR JUSTICE WILLES. No, for this reason: Every body knows that Bills in Chancery are very often framed by persons who do not know anything of the particular facts stated in them, and which are put down in order to compel the defendant to put in an answer either admitting or denying those facts; and then, when the facts are ascertained, the Bill is amended accordingly. All you can do is to show that there was a Bill filed against certain parties, and you may show what the prayer of the Bill was; but you cannot go into any statements contained in the Bill.

MR WHATELEY. I apprehend I am at liberty to show that after a particular communication was made, the Bill was altered to suit that communication.

MR ALEXANDER. My friend cannot allude to the Bill in Chancery at all.

MR JUSTICE WILLES. Yes, he may allude to it. He may show what the prayer of the Bill was, but he must not refer to any fact stated in it.

MR WHATELEY. Suppose a particular date was given with respect to the death of a party, and that when you sent to the person who had filed the Bill and document, which showed that it would be convenient to alter the date given in the Bill, and the alteration was made accordingly, surely that would be evidence to show the absence of *bond fides*?

MR JUSTICE WILLES. No; a Bill in Chancery is not supposed to be a statement of facts. The plaintiff says, "I state this in order to ascertain how the fact is, and when I have ascertained how the fact is, if it is not as I have stated it, I will amend my Bill accordingly."

MR WHATELEY. It is not important. We can now start from a different point. If it should become necessary I can tender the evidence by-and-by.

MR JUSTICE WILLES. The only instance in which I have ever heard of a Bill in Chancery being put in was this: The late Lord Truro told me that in a case tried before Chief-Justice Tindall, at Guildhall, he put in a Bill in Chancery, filed by the defendant against the plaintiff, in order to show that the view presented by the Bill was inconsistent with the view which was set up at the trial.

MR WHATELEY: I was about to refer to it, my lord, with that very view.

MR JUSTICE WILLES. You had better not open it, but you can tender it in evidence by-and-by, if you think it necessary.

MR WHATELEY. Gentlemen, I was anxious to get my lord's view. Depend upon it, I will not infringe the rule he has laid down. At all events, I have this upon which I can rely, that the alleged John Morgan was alive in the year 1745, because you have it stated in the inscription on the tombstone which was given in evidence by my friend yesterday, "Sacred to the Memory of Diana, wife of John Morgan," not "wife of the late John Morgan," or "widow of John Morgan," but "Sacred to the Memory of Diana, wife of John Morgan, who died (that is Diana died) the 17th of May, 1745." That is an important fact, which I must beg you to bear in mind. I shall not trouble you with many dates, but that is a date that you will find important.

Now, gentlemen, Harry Morgan was put forward by my learned friend, and very naturally, as a very important witness. He is a man far gone in years, and there is evidently considerable confusion in his recollection. That is no matter of wonder. The machine will wear out, and a man of eighty-three cannot be expected to have his faculties as perfect as you, gentlemen, who are in the full vigour of life. I do not mean to impute to him, or to some of the other witnesses who have been called, more than this: They are talked to until they think they remember certain things; they are talked to by such men as Jacob Williams and Jacob Morgan, and at last they bring themselves to believe that which it is desired they should state, and which has been suggested to them. It so happens that that man and his sisters, and several other witnesses, were examined before a Commissioner at Bristol some time in the course of last year, with a view to perpetuate their testimony. When we came to compare the evidence they have given here, with that which they gave at Bristol, we found that there were considerable and important discrepancies as they appeared to us; and I was inclined at one time to put their depositions in evidence: but on reconsidering the matter, it really seems to me not to be worth the time and trouble, and therefore I will not use those depositions for the purpose of contradicting the evidence that the witnesses have given, but will take my stand upon much stronger ground; upon the undoubted facts which exist in this case, and which, when you come to look at them, will show conclusively that the witnesses cannot be accurate in what they have stated.

Now, gentlemen, allow me to call your attention to one or two remarkable things that have been stated by the witnesses for the plaintiff. The old man, Harry Morgan, spoke of his father having said that his grandfather's name was John. There has been no certificate of the birth or of the marriage, or of the burial of that John Morgan; but this witness says, that he knew John Morgan of Graigwith for many years very well, and that he used to go to the canal office to attend the meetings there. I put it to him over and over again whether he was accurate in his recollection as to that. I asked him if he knew John, and he said he knew him very well. I said "Are you sure it was not William?" He said, "No," he quite repudiated the idea of its being William, and said "No; it was John." Now I will show you that there never was a person named John Morgan, a committee man of that company. I have caused a search to be made in the books of that company which has been kept with very great regularity, and I find that no such person as John Morgan is mentioned in them. I believe it

will turn out, however, that the name of William Morgan does appear as a committee-man of the Canal Company. That only goes to show the fallibility of human testimony, and how dangerous a thing it is to rely upon the memory of such a man as Harry Morgan.

Then, gentlemen, you will have learned from the pedigree that there was a gentleman of the name of White, who married one of the sisters of old William Morgan, who they say was the brother of John Morgan. John Morgan, it is admitted on all hands, had three sisters—Elizabeth Morgan, through whom Mr Iltyd Nicholl, the defendant, claims; William Morgan had three sisters—Elizabeth Morgan, Mary Morgan, and Anne Morgan. Mary Morgan married a gentleman named White. They had a son, who lived at Pontypool, and who, therefore, would be first cousin to Edmund Morgan. The witness, Harry Morgan, had never heard of them. Indeed, you may take it that the old witness, Harry Morgan, and the other witnesses, Amy Evans and Anne Evans, had never heard of a relation of the name of Morris—had never heard of a relation of the name of White, or a relation of the name of Bond; and the whole of their testimony was a sort of parrot-like repetition of the statement “I had a grandfather whose name was John, and I heard that the name of his wife was Diana, that they were related to the Morgans of Graigwith, and that they used to call them cousins.” *They never heard of any other relation in the world*, which, when you bear in mind that the case of the plaintiff is to be supported wholly and entirely by testimony as to the declarations of supposed relations, becomes a most material fact to be borne in mind. I will now call your attention to the dates as they stand upon that point. Mrs Morris, whom I have just mentioned, was the Aunt of Edmund Morgan; she did not die until the year 1786.

MR KEATING. If the case of the plaintiff is true.

MR WHATELEY. Even supposing the case of the plaintiff to be true this difficulty will not present itself. Mrs Morris was the aunt of Edmund, and did not die until the year 1786. Harry Morgan, the witness, was born in 1771. Amy, his sister, was born in 1774, and Anne, the other sister, was born in 1776. At the time of the death of Mrs Morris, who, if their case were true, would have been the Aunt of Edmund (but who, I say, was no relation at all), old Harry Morgan was just fifteen years of age, Amy was twelve years of age, and the other sister, Anne, was ten years of age, and yet you are asked to believe that these witnesses are speaking the truth when they say that they can speak to the relationship of these parties, they knowing nothing whatever of the relations I have mentioned, who were living near them, and who, if their case is true, would be so nearly related to them in blood. Is not that demonstration that the evidence that those witnesses have given is false? *They never heard either of Morris, or Bond, or White, or of their aunt Elizabeth, or of any other relations.* I say that it is clear to demonstration that they are speaking what is false. Either their recollection fails them, or they have been operated upon by Jacob Williams or Jacob Morgan, and have been induced to state that which they know to be false. Could they, for instance, have been ignorant that Mrs Bond, afterwards Mrs Rogers, lived till the year 1812, and that Edmund lived till 1810, but it appears that they never heard of this person, first Mrs Rogers, whose name at first was Mrs Bond. You will bear in mind that these witnesses are persons who come here to give you what they pretend to be their recollection as to the state of the family. They come here to pretend that the persons they speak of were relations, although, at the same

time, they never heard of the other relations to whom I have referred, who occupy important positions in the pedigree. Does not the absence of that knowledge not only cast doubt and distrust upon the case of the plaintiff, but does it not answer the case that my learned friend has been endeavouring to set up? Then, again, Edmund never appears to have mentioned Mrs Rogers, or Mrs Bond, or their children. There is not one of their witnesses who ever heard of them. That observation applies as well to Mr White at Pontypool. Mary, the aunt of Edmund, lived till 1780, but none of the plaintiff's witnesses ever heard of such a person. I put this to you as a matter deserving your serious attention, because when you test the evidence of witnesses not by what they say they know but by what they must have known, if what they say is true, I say that the absence of knowledge of the persons to whom I have referred makes it in the highest degree probable that they are coming here to tell you that which has no foundation in fact. But there is another very remarkable thing with reference to this old man, Harry Morgan. *For fourteen years he has been living in the workhouse, and he comes here from the workhouse now.* Do not let anybody for one moment suppose that I would mention his poverty as in the slightest degree a reproach; but it certainly is remarkable that a man who has been living in a workhouse for fourteen years, and who has come from the workhouse here, should never have applied for relief to any of his rich relations, and should never on any occasion have said to any of them, "Will you not give me something to relieve my poverty?" There is not, however, the slightest tittle of evidence to show that upon any one occasion he ever applied to any relation for relief, though he must have known that there were many of them living in wealth and affluence who probably would not have turned their face from a poor man, particularly if he were a relation. Surely, gentlemen, that is a most important circumstance to bear in mind, when you consider the weight which is due to the evidence given on the part of the plaintiff. The observations I have now been making apply to Harry Morgan, Amy Evans, Anne Evans, and many other witnesses in the case. When I come to go through the evidence, which I shall do at a future period, I think you will find that this is not an unimportant observation; that the witnesses were, many of them, extremely young when the conversations to which they speak must have occurred. One of them speaks to a conversation which must have taken place at a time when he was only nine or ten years of age. John Rowlands speaks to a conversation which must have taken place when he was fourteen. You can hardly conceive anything more unlikely to be true than that which he states, or anything that a boy would be less likely to remember. He said that he went with his mother, a relation of the Morgans, to take home some shoes that his father had been cobbling; that they began to joke; that he said "How art thou, Ann?" and that she said, "How art thou, Edmund?"—that he then said, "Do you know we are brothers' children? we are first cousins," and that then he said he should be a rich man if he outlived John Morgan of Graigwith. Why, gentlemen, the boy was but fourteen years old at that time. He had no reason to remember what then passed. Just carry your own minds back a few years. Some of you may perhaps remember twenty or thirty years or more ago, when you were boys going of an errand or taking a parcel somewhere, but you would not venture to swear now to the words that were used at the time, the matter being one in which you had no particular interest. I do not mean to say that there might not be occasions on which a conversation which occurred so long ago might be imprinted upon the memory.

But of what interest could it be to a boy of fourteen to hear that certain persons were brothers' sons, and that Edmund would be a rich man if he outlived John Morgan? But would he have been? At that time there were alive John Morgan, who did not die till 1805. His son was alive, who did not die till 1843. Anne was also alive; she did not die till 1851, and there was Rachel alive, who did not die till 1854; and yet you are asked to believe that man when he says he heard Edmund Morgan say that if he outlived John Morgan of Graigwith, he should possess the property. I say that statement is entirely untrue, and it only shows how little reliance you can place on the testimony of witnesses who come forward to give such evidence as that. Then I said, "To whom did you first give information about this?" His answer was, "*To Jacob Williams,*" whose name will become celebrated before the end of this cause. He comes here now to repeat to you this story which he first related he says to Jacob Williams. As to that Jacob Williams you will hear something more before the end of this cause, and I think you will be satisfied by what you do hear, that it is enough to throw discredit on any case in which he is concerned. Then, gentlemen, there were a great many other witnesses who speak pretty much to the same point, but the evidence of all of them is subject to the same remarks as those I have just addressed to you. There was, however, one witness to whose evidence I should like particularly to call your attention—Edmund Thomas. He told you a most remarkable story. It appears that he was living with a farmer of the name of Powell. He went there when he was twelve years old, and stayed there till he was fourteen, and he says that when he had been there about six months he went a day's harvesting for Mr John Morgan of Graigwith; that in the evening Mr John Morgan said to him, "Which way are you going home?"—that he told him he was going by way of Groeslanfro; that Mr John Morgan then said, "I wish you would take a message for me for my cousin Edmund Morgan of Groeslanfro; I hope to hear that the family are quite well," and so forth; that he delivered the message, and that he received a message in answer from Edmund Morgan of Groeslanfro, who said, "Take my remembrances also, and say I am rather surprised that they have not been over to see me." There is no evidence to show that there was any acquaintance whatever kept up between the family at Graigwith and the family at Groeslanfro. But he says the servants were present and the daughters were present; that Miss Morgan was present and that Anne Morgan was also present, and that Anne Morgan said that they were second cousins and that she said it more than once.

Now, gentlemen, I beg leave to call your attention to dates, and when you come to look at them you will see at once how this man's evidence is destroyed by facts which are indisputable in the case. This man was born in the year 1781, according to his own story. At the time to which he speaks he was twelve years and a half old. That would make 1793, the year in which this conversation is said to have taken place. Now Anne Morgan was baptised in 1794, and, according to the plaintiff's pedigree, she was born in 1793, so that if this man's account is true *she must have spoken almost as soon as she was born, and must have talked about having first cousins when she was not a year old.* It is really somewhat shocking to have witnesses coming forward to make such statements as these in the face of day. It is really appalling to find witnesses coming forward and pledging their oaths to facts of this kind, with a view, if they can, to take property

away from persons who are in the possession of it, in order to give it to those who have no just claim to it. Then there was another witness, Daniel Jones of Treveethin, who spoke to having seen John Morgan with Edmund Morgan after he was married. John Morgan was married in 1784, and this man was at that time *only eight years old*. Can you place any reliance upon such testimony? Daniel Jones spoke to a conversation before John was married. John was married in 1784, and the witness having been born in 1776 was at that time not more than eight years old.

I should not do right if I did not make an observation upon the evidence given by the Rosser family. My friend has called before you four members of that family—and what do they say? They say that William Morgan had bought some property of a gentleman named Phillips, and that it was near the house of John Morgan, and they all of them give you an account of a conversation, the object of which was to show that there was a relationship between the Groeslanfro family and the Morgans of Mamhilad. Now my learned friends seem to have thought that by multiplying the number of witnesses they could multiply facts. All these witnesses speak to the same thing, as you will find when you come to examine their evidence; and yet this is the sort of evidence upon which you are called upon to act. The conversation to which they speak took place, it would appear, in the year 1809. *forty-five years ago*. At that time the parties were nine years of age; I mean this man, Thomas Rosser, was then nine years old. He said, moreover, "I will swear to the very words that were used." It must have been before the year 1810, because Edmund died in that year. Really, gentlemen, how can you trust such evidence as that? But, gentlemen, there is another witness whose evidence I ought not to pass over; I allude to Daniel Jones, the first witness called by my learned friend to speak to declarations. He seemed like a man who was determined to be a very good witness. He was the man who spoke of the great intimacy that subsisted between himself and William Morgan of Graigwith. William Morgan of Graigwith was a gentleman of considerable station in life; he was a man of education; he kept a large establishment, and he had horses and servants, and he served the office of High Sheriff of the county. There is no particular honour in being High Sheriff; the only thing is that it shows that he was a person of some station. The witness says he was intimate with that gentleman, that he travelled with him a hundred times, that he was driving some hoops on some mules' backs, and that he went with him, and had various conversations with him with reference to his family. It is extremely unlikely that that should have taken place. Then he gives some rambling account of where it was that the first conversation took place. He says it took place in a wood, where they were driving hoops, and he says that this gentleman told him that Edmund Morgan of Groeslanfro was his first cousin. *He never heard him speak of any other relation*. These witnesses had been taught the catchword or key note. They could speak to this particular relationship, but they knew nothing at all about any of the other members of the family.

But then, gentlemen, some information had been given to me with respect to something that had happened to this man; some money that had been given to him or promised to him if he would give his evidence here. I am sure you cannot have forgotten what passed upon that subject. I asked him whether something had not been promised or given to him. No, he said, nothing had been promised or given. I will not fatigue

you by repeating to you the very words that were used; I said, "Has nothing been promised to you if you would give your evidence?" "No; nothing." I then sent for the note of hand and produced it, and he said, "Oh, I never had it." "Do you know anything about it?" "Oh, there was a talk about it." Then he told us when he found that we had the note here that he had purchased two stamps, one of which he paid for himself. What was it for? He admitted that this note was signed by Jacob Morgan, but he said that he never had it; it was put into the hands of Waters, and he said that Waters was to have another. Waters, he said, was to hold it. "What for?" "I do not know." "What did you buy the stamp for?" "I do not know, but my master was to be answerable for it; he was to be bail for it." I asked him what it was given for? He said he could not tell. I say you cannot doubt what the object was. Who was present? Jacob Williams (the notorious Jacob Williams now), Jacob Morgan, Waters, and this man Daniel Jones. You will find that after some discussion on the subject, on one or two occasions, the note for 300*l*. was signed and witnessed by a man named Rogers; that this note was put into the hands of Waters that he (Daniel Jones) might be able to say that he had not had it; that he might be able to say until the trial was over that he had received nothing for his evidence, but when the trial was over he was to have it. He said that he wanted 250*l*. to build a house, and he was going to raise it upon that note, which was given him for the purpose of enabling him to do so, but it is obvious that they had, in point of fact, given him this note for the purpose of obtaining his evidence for the plaintiff. You cannot doubt that the agreement was that he was to receive 300*l*. for the evidence he was to give. The note is not even payable to order, but it is payable to him personally. Does not that taint the whole of the case? Does it not show what contrivances they have resorted to? My learned friend, in the exercise of his excellent discretion (and no man has more), did not venture to call the plaintiff to contradict that fact. Jacob Morgan, the plaintiff, was in Monmouth, but Jacob Morgan was not called. My learned friend dared not call him. He knew that if he did he would be only making bad worse. My learned friend did not venture to call David Morgan, or Waters, or Rogers, who witnessed the note. My learned friend did not call any one of them to explain under what circumstances that note for 300*l*. was given, and yet these are witnesses on whose evidence you are asked to rely.

Then, gentlemen, I cannot help calling your attention also to the evidence given by a witness named Walter Waters (a name now familiar to you), who came here to say that John Morgan of Graigwith, and Edward Morgan, of Groeslanfro were second cousins; that he had heard so, and he produced a piece of paper on which was written the word Cyvartha, and said, "That is what they were." I said, "Who gave you this paper?" He said, "I had it written down by my son for fear I should forget it." He said first of all that he had given no account to any living being of the evidence he was to give here. His words were, "No living man took down my examination in writing." Then (as my learned friend Mr Keating said) if he is right in that, Chancellor Williams is no living man, for he says that Chancellor Williams did write down what he said. "Did you tell him that they were Cyvartha or second cousins?" "No, I did not tell him that, I thought of that afterwards; my memory was so bad that I got my son to write it down on a piece of paper, which I have in my pocket, and here it is," producing the paper. But, gentlemen, he had

seen Jacob Williams, and that, I think, is a clue to the whole. Jacob Williams is the uncle of Jacob Morgan, the claimant, and if they could succeed in their attempt, these witnesses would find their interest in the victory, but I hope and believe that that will not be the case.

I will now, gentlemen, state to you very shortly the evidence that I am prepared to give you on the part of the defendant, the Rev. Iltyd Nicholl. I have before mentioned to you that there was a great intimacy between the family of Miss Rachel Morgan and the family of the Nicholls, and I will show you, by a body of evidence which I think you will consider of great importance, that Miss Rachel Morgan looked to Mr Iltyd Nicholl as the person who would succeed to her property. When on the death of Miss Rachel Morgan, Mr Nicholl took possession of the property, he took possession also of all the deeds. Of course he did that, and among those deeds were some documents which you will find of the greatest importance. You will bear me out in the observation that when you can get an undoubted document in a cause which speaks of the relationship of parties, a tombstone for instance, or an undoubted register, or any document or deed stating the relationship before any question upon the subject had arisen, it is most important evidence to be produced before the jury.

Now, gentlemen, you have had one deed put in by my friend, a deed dated in 1697. You will find that in 1741 William Morgan, who has been so often referred to, was married, as my friend has shown, to Rachel Jones. Before I mention that, however, I ought to say I shall produce to you the will of Florence Morgan. She, you will remember, was the mother of what has been called the common ancestor, though I deny the right of my friend's client to claim any relationship to him. She made her will on the 11th of March, in the year 1712, by which she gave to her grandson William Morgan, the son of William Morgan of Mamhilad, one guinea, and she gave to her granddaughters, Elizabeth Morgan and Mary Morgan, daughters of William Morgan of Mamhilad, all her household effects. Now, Anne Morgan was probably not born at that time. She mentions William, Elizabeth, and Mary, *but no John*. The important question, you recollect, is whether there was a John, who was a brother of that William, and this will is, as I submit to you, a most important piece of evidence with reference to that question.

But, gentlemen, the next is a much more important piece of evidence. There comes a marriage settlement, dated in June, 1741. That was a settlement made on the marriage of William Morgan with Rachel Jones, who has been so often adverted to, that is the son of what has been called the common ancestor, and upon that occasion you will find the parties thus described—"William Morgan the elder, of the parish of Mamhilad, son and heir of Edmund Morgan, late of the same place, gentleman, and Catherine, his wife, both deceased, and William Morgan the younger, of the same place and county, gentleman, son and heir of the said William Morgan, by Eleanor his wife." It is not "eldest son," but "son and heir." He is described there as the son and heir of William Morgan of Mamhilad, deceased. Then, gentlemen, on the same day (the 30th of June, 1741) that the marriage settlement was executed, that same William Morgan made a deed of gift in favour of his son, who was then about to be married, the William Morgan who married Rachel Jones, and that deed of gift contains these words, "Know all men by these presents, that I, William Morgan the elder, of the parish of Mamhilad, in the county of Monmouth, gentleman, for, and in consideration of,

the natural love and affection which I have and bear to my only son and heir, William Morgan the younger, of the parish of Mamhilad." Now, John Morgan, if he existed at all, was alive in 1746, but that he was not the brother of William and the son of the old William Morgan is obviously and conclusively proved by this document, for the William Morgan who is said by the plaintiff to have had a brother John, is described by his father, on the 30th of June, 1741, as his "only son and heir."

Now, gentlemen, I must say that I have never known a case of this kind, and probably you never have, in which such entire openness and fairness has been shown by the one party to the other, as has been shown in this case by the defendant's adviser, Mr Waddington, to Mr Tanner, the attorney for the claimant. Mr Tanner is a very respectable attorney, practising at Bristol. I do not for a moment charge him with being in any way implicated in the improper practices which have been resorted to in this case. I do not for an instant impute to him that he had the least idea of the mode in which much of the testimony has been obtained; I am satisfied that if he had been aware of what Jacob Williams had done, Mr Tanner would not have been sitting where he is as adviser of the plaintiff. As soon, however, as Mr Tanner was consulted with reference to this claim, he wrote to Mr Waddington upon the subject. Mr Waddington said, in answer, that he had undoubted hearsay evidence to prove that William Morgan had no brother. Mr Tanner wrote to Mr Waddington, knowing that he had been the solicitor of Miss Rachel Morgan, the intestate, and thinking that most likely he was concerned for the parties who had taken possession of the estate. It turned out that Mr Waddington was solicitor also for the Nicholl family, and for Mr Iltyd Nicholl, whom I have the honour to represent here. The correspondence between Mr Tanner and Mr Waddington began in the year 1855, Mr Tanner having written to Mr Waddington, and Mr Waddington having answered his letter, the matter slept for about six months, and then Mr Tanner again wrote to Mr Waddington, who sent him this answer, which is dated the 16th of February, 1856:

"Not having heard from you so long, I supposed the claim of the plaintiff had been dropped. I was therefore a little surprised the other day to find that the defendant, without any previous intimation to me, had been served with an ejectment, which, if you had been good enough to forward to me, I would readily have given my undertaking to appear to. As it is, I think it right to mention for your guidance in continuing the proceedings, that the statement which I have already made to you, namely, that the intestate's grandfather had no brother, will be found to be correct; and among other circumstances which go to show this, is a written document which, at the time of our correspondence, I had myself not seen, being mislaid, but which Mr Nicholl's father has laid his hand upon since the ejectment was brought, and which confirms such statement, in my opinion, beyond dispute."

Now, it is right I should tell you that when Mr Nicholl, the father of the defendant, took possession of the deeds, he looked over them, and found among them what is certainly remarkable, the draft of the deed of gift to which I have before adverted, and he had shown that to Mr Waddington. At that time the original deed had not been found and the draft had been mislaid, but he afterwards found it and sent a copy of it to Mr Tanner. He found the original before he sent the copy. The original happened to be a paper document. There are duplicate deeds of the 30th of June, 1741. The settlement to which I have adverted is of even date with the deed of gift. Inside one of the

old documents the deed of gift was found; and then, with a degree of fairness and openness which I hardly ever heard of, before Mr Waddington sent Mr Tanner a copy of it, Mr Tanner writes in reply:

"I duly received your favour of the 16th. The evidence which has been obtained in support of the claimant's heirship is so strong that, under the advice of counsel, I have taken the proceedings herein. In our correspondence, some time back, you did not apprise me that you were acting on behalf of Mr Nicholl; my applications to you were in your character of the solicitor of the deceased. With respect to the written document which you state you think it right to mention for my guidance in continuing the proceedings, I will give it my attention, and submit it to the plaintiff and his friends, if you like to furnish me with a copy."

Mr Waddington might have said, "Now that the action is commenced I must leave you to make out your case as best you can." But instead of that he sends him a copy of this deed. He writes in these terms: "I have your favour of the 20th instant, and as the defendant has always been ready to exhibit to the claimants who have sprung up the documents in his possession, and in fact has nothing to conceal, I shall advise him, in the same spirit of candour, to allow me to furnish you with a copy of the instrument which (as I believe) will settle the question at issue. Supposing Mr Nicholl consents, are you ready in return to give me a copy of the certificate of baptism of John Morgan, the supposed brother of William Morgan, the grandfather of the intestate, or a copy of any document in your possession which you consider proves John Morgan to be such brother?" Mr Tanner does not say he had none, but he says he shall have the Bill. The plaintiff had then filed a Bill in Chancery, one object of which was to bring all the deeds into court. He said all the deeds will be in court. "The paper you referred to is clearly mentioned by you as a document in support of your client's case, and therefore an offer or consent to produce it cannot entitle the defendant to call for anything in return." I do not understand that logic, I confess, because this was a document in favour of Mr Waddington's client, Mr Tanner, says: "The paper you referred to is clearly mentioned by you as a document in support of your client's case, and therefore an offer or consent to produce it cannot entitle the defendant to call for anything in return." I should have thought it the very reason why it did. I do not quite understand the reason, nor does it much matter. We got nothing in return. Then a Bill in Chancery was filed, and again Mr Waddington writes: "In the hope of preventing further litigation I now forward you a copy of the document referred to in my last letter, being a deed of gift, dated the 30th of June, 1741, from William Morgan the elder, of Mambhilad, to his only son, William Morgan the younger (the latter being the grandfather of the intestate.)" Mr Waddington gave Mr Tanner that very important information with, a view if possible, of putting an end to litigation. Then Mr Tanner writes: "I beg to acknowledge (which I find I have omitted to do) the receipt of your letter, enclosing copy of a document purporting to be a deed of gift from William Morgan to his son, William the younger, and which I have forwarded to the plaintiff."

Now, gentlemen, I have no right to tell you how it was that the plaintiff came to allow his course of proceedings. That, however, was sent to the plaintiff; no doubt the plaintiff and Jacob Williams from that time sought to make the best case they could, knowing that to be the foundation of the defendant's case. I care not, however. In a long

course of professional experience I have found that in cases of this description, although for a time the truth may be disguised, or clouded, or overshadowed, it generally prevails at last, and in the end justice is done, and I think nothing is better calculated to make truth triumphant, and to prevent error or fraud from succeeding than a tribunal like this, where you have the witnesses examined before you, and in this case when you come to contrast the evidence given by the witnesses for the plaintiff with the documents which I shall produce you will come clearly to the conclusion that the defendant is entitled to your verdict.

Now, gentlemen, part of this land was copyhold land held of a Manor, the steward of which will be produced as a witness before you. In that Manor the tenure is what is called gravelkind; that is, the property does not go to the eldest son but to all the sons in equal portions, and if one of them should die, the share of that one would go to his children. Now, I will show you that upon the death of William Morgan, who made the deed of gift and the settlement to which I have referred, it was presented to the Lord of the Manor that William Morgan was the son and heir of William Morgan his father, and, therefore, that he was the party to whom the lord was entitled to look for a heriot and other services. If there had been a John Morgan then William and John would both have been put down as the lord's tenants, but John is never mentioned, and therefore the inference is that there was no John. So, again, if there had been a John Morgan, brother to William, and he was dead, he had, according to my friend, a son Edmund, and Edmund, in that case, would have been described as the lord's tenant. That, again, I submit to you, is conclusive evidence to show that there was no John, son of old William Morgan, and brother of the second William Morgan, William Morgan the younger, but that in truth William Morgan the younger was, as the deed states, *the only son and heir*.

On his death, Elizabeth, and those claiming under her, would be the parties entitled to succeed to the property, and Mr Nicholl, the defendant, claims through her. Now, gentlemen, although I am prepared to do it, I am not called upon in this case to do more than to show you that the claimant has not made out his case. I might stand here upon my possession and my right. Mr Nicholl, the defendant, stands upon his possession and upon his right, and he is entitled to say to the plaintiff, "Prove your case." The plaintiff must succeed upon the strength of his own case, and unless he can satisfy you by evidence beyond all reasonable doubt, that there was a John Morgan, the brother of William Morgan, and that he is descended from that John, the defendant is entitled to retain possession of the estate.

There is one other observation which I ought not to omit, but which in the multitude of facts that there are in this case has escaped me. Upon the death of John White, the uncle (if there is any truth in the story told by the plaintiff's witnesses), the first cousin of Edmund, Mr Nicholl, was sent to as a relation of the family to attend his funeral, and you will find that on various other occasions he has been treated as a relation of the family. You will find that Mr Iltyd Nicholl, father of the defendant, was in the habit once a year of going to Pontypool with his wife to dine with Mr White. The last William in the pedigree, William Morgan of Graigwith, used to be of the party. It was a sort of family meeting. Upon that occasion there were sometimes discussions about their relations, but you will find that they

never any of them heard of this Jacob Morgan, the claimant, nor did they ever hear of any John Morgan, the brother of William. Does my learned friend show any recognition of relationship? Not the slightest. You will not find that Jacob Morgan, or any of his family, were ever considered as relations, or ever appeared at the funeral on the death of any members of the family, while Mr Nicholl, on the other hand, was always considered, and stated to be, the next heir to the property. I submit that to you as one among the many other facts in the case which will have its due weight with you, tending to bring you to the conclusion to which I hope and confidently believe you will arrive, that the defendant is entitled to your verdict.

ILTYD NICHOLL, Esq., called and sworn. Examined by
MR KEATING.

- Q. Do you reside at Usk, in this county?
A. Yes.
Q. Are you a magistrate of the county?
A. Yes.
Q. And you have served the office of High Sheriff, I believe?
A. Yes.
Q. Are you father to the defendant, the Reverend Iltud Nicholl?
A. Yes.
Q. Did you know the late Miss Rachel Morgan, of Pantygoitre?
A. Perfectly well.
Q. Had you known her for many years?
A. A great number of years—fifty.
Q. For fifty years, had you known her?
A. Yes.
Q. Had you been in the habit of visiting at her house?
A. Constantly.
Q. Were you also on terms of intimacy with her brother, William Morgan?
A. Equally so.
Q. Of Graigwith?
A. Yes.
Q. And with her uncle William, of Mamhilad?
A. Yes, for the same period—until his death.
Q. Do you remember the death of Miss Rachel Morgan?
A. Yes, I do.
Q. She died on the 29th of September, 1854, we understand; did you hear of her death soon after it occurred?
A. I did—the same day.
Q. And did you immediately proceed to Pantygoitre, her residence?
A. I did.
Q. Did you there take possession of her deeds and papers?
A. I did.
Q. And did you afterwards give those deeds and papers to Mr Waddington?
A. Yes, I did.
Q. Mr Waddington, I believe, had been her solicitor?
A. Yes, for some period.
Q. For three or four years before her death?
A. Yes.
Q. Did you also find a Prayer Book among her papers?
A. Yes.

- Q. An old Prayer Book ?
 A. Yes.
 Q. Had you known during her life time that that Prayer Book was in her possession ?
 A. I had.
 Q. You had seen it in her possession during her life ?
 A. At the time of her uncle's death, or rather a few days after her uncle's death, she showed it to me.
 Q. That would be William of Mamhilad ?
 A. Yes.
 Q. A few days after his death, she showed you that Prayer Book ?
 A. She did.
 Q. It contains a good many family entries, does it not ?
 A. It does.
 Q. Among the papers of Miss Rachel Morgan do you recollect finding the draft of a deed of gift ?
 A. I do.
 Q. Was that found before the original was found ?
 A. It was ; some few days before, a fortnight perhaps. I can tell the exact date if you wish it.
 Q. I do not know that it is very material, but you did find the draft ?
 A. I did.
 Q. Have you got that draft ?
 A. Yes.
 Q. Perhaps this will be as good a time as any to produce it ?
 A. *This* is the draft (producing it).
 Q. Having found the draft, did you make further search for the original of this draft ?
 A. Mr Waddington made a further search in my presence.
 Q. And did you afterwards succeed in finding the original of the draft ?
 A. Yes ; Mr Waddington did.
 Q. Is that in Mr Waddington's possession now, or yours ?
 A. It is in Mr Waddington's possession.
 Q. I see there is a modern endorsement upon this draft—By whom is that made ?
 A. That is made by me.
 Q. What was the name of the defendant's mother, your wife ?
 A. Eleanor Bond.
 Q. You married Eleanor Bond I believe in 1807 ?
 A. Yes.
 Q. Did she die in 1849 ?
 A. Yes.
 Q. What were the names of Eleanor Bond's parents ?
 MR JUSTICE WILLES. I thought all this was admitted ?
 MR KEATING. I do not know, my lord ; I am not aware of it ; no, my lord ; there is no portion of our pedigree admitted.
 Q. Was Eleanor Bond an only child ?
 A. She was ; an only surviving child.
 Q. Of whom ?
 A. Of George and Eleanor, the daughter of John Morris and his wife.
 MR JUSTICE WILLES. This is tracing the defendant up to a sister of William.
 MR KEATING. Precisely—of the second William.

MR JUSTICE WILLES. Unless you intend to show statements made by some persons in that line which you are going to establish that is unnecessary, because the plaintiff must recover upon the strength of his own title.

MR KEATING. But it will be material, my lord, with reference to another branch of this case.

Q. Did you know your mother-in-law?

A. Yes; she lived six years after I was married.

Q. Do you know from her who her parents were?

A. Yes.

MR JUSTICE WILLES. I find no difference between the two pedigrees.

MR KEATING. They put their pedigree on ours as we have put ours on others; I think your lordship will find that none of this pedigree has been admitted.

Q. You say your mother-in-law, Eleanor Morris, lived six years after your marriage?

A. Yes, or nearly so.

Q. And you know her?

A. Yes.

Q. Do you know from her who were her parents?

A. Yes.

Q. Who were they?

A. John Morris, of the Pant, and Elizabeth Morgan before her marriage?

Q. And did you learn whose daughter Elizabeth Morgan was?

A. Yes; the daughter of William Morgan of Mamhilad.

Q. Did you learn from your mother-in-law whether she had any brother or sisters?

A. Yes.

Q. Who were they?

A. She had two sisters; one married to White, and the other to Jones.

Q. That is Mary married to White?

A. Yes.

Q. And Anne married to Jones?

A. To Jones.

Q. Had she a brother?

A. Yes.

Q. Who was her brother?

A. Her brother was William Morgan.

Q. Was he of Mamhilad?

A. Yes.

Q. Was he father to the William Morgan of Mamhilad whom you knew?

A. Yes, he was.

Q. Father to John and William?

A. Yes.

Q. Did you know John?

A. No; I did not.

Q. You only knew William?

A. Yes.

MR JUSTICE WILLES. William Morgan of Mamhilad?

THE WITNESS. Yes.

MR JUSTICE WILLES. Are there three William Morgans of Mamhilad?

MR KEATING. Yes, my lord; and one of Graigwith.

Q. You say that Elizabeth had a sister named Mary who married Mr White; had they a son?

A. No.

Q. Just attend, if you please; you say that Elizabeth Morgan had two sisters, Mary and Anne Morgan?

A. Yes.

Q. That Mary married a White?

A. Just so.

Q. Had they a son?

A. Yes, they had.

Q. What was his name?

A. John White.

Q. You knew him, I suppose?

A. Perfectly well.

Q. Did he live at Pontypool?

A. He lived at Pontypool.

Q. Elizabeth's sister Anne married a person you say named Jones?

A. Yes.

Q. Did you learn that she died without issue?

A. I always understood that she had no children.

MR KEATING. We will fix the dates more particularly by certificates, my lord, Anne who married David Jones died without issue.

MR JUSTICE WILLES. There is a dispute as to the name of that Jones; that would be a second Anne; I had better not look at this pedigree, as to that, it is evidently a matter of conjecture as to the red part.

MR KEATING. What was the name of the Jones that Anne married?

MR JUSTICE WILLES. Who was the daughter who died without issue?

MR KEATING. Anne, my lord, who married Jones.

Q. You said that Elizabeth, who was the mother of your mother-in-law, had one brother, William Morgan, and two sisters, Mary Morgan and Anne Morgan, one marrying White and the other Jones. Did you ever hear from your mother-in-law or any other branch of the family that Elizabeth had a brother called John?

A. Not until last year.

Q. Not until this dispute arose?

MR JUSTICE WILLES. Have you ever heard it from any member of your family?"

A. No.

MR KEATING. Had you frequently conversation with Rachel Morgan upon the subject of her family.

A. Yes; frequent.

MR KEATING (to Mr Justice Willes). I think your lordship has it on your note that the witness married Eleanor Bond in 1807?

MR JUSTICE WILLES. Yes, long since, and she died in 1849.

MR KEATING (to the Witness). You had frequent conversations you say with Rachel Morgan upon the subject of her family.

Q. Yes.

Q. Did she upon those occasions sometimes refer to that Prayer Book?

A. She did.

Q Did she upon any occasion direct you to make any entry in that book?

A. She produced this book to me at Mamhilad a few days after her uncle's death and said, "This perhaps may interest you to look at; it is a consecutive diary of the family of our ancestors," and she asked me to insert the death of her uncle who had died about a week before, and who was buried; she asked me to insert that in order to make the pedigree complete—the series complete.

Q. What uncle was that?

A. William Morgan of Mamhilad.

Q. Who had just been buried, or buried a short time before?

A. Yes; this took place at Mamhilad.

Q. Had you attended at the funeral of William Morgan?

A. Yes.

Q. Had any other member of your family attended it also?

A. Yes; my son.

Q. Was that at the invitation of the family?

A. At the invitation of Miss Morgan, and her brother.

Q. That is William Morgan of Graigwith?

A. Yes.

Q. Were there any other relations of the family there, that you remember?

A. Mr Morgan of Graigwith was there, and his sister was in the house, but was not at the funeral.

Q. You mean the mother of Rachel?

A. Yes.

Q. I see Mr White died in 1823, the same year as William?

A. Yes; the same year, a few months previous.

Q. His sister, you say, was in the house at Mamhilad, but was not at the funeral?

A. Yes.

Q. You say that Mr White died a few months before William Morgan of Mamhilad?

A. Yes.

Q. Did you attend his funeral by invitation?

A. I did.

Q. Who else do you remember attended his funeral?

A. William Morgan of Pantygoitre.

Q. Which William is that?

A. Late of Pantygoitre, and at that time of Graigwith.

Q. That is Rachel, the intestate's brother?

A. Yes.

Q. Do you remember any body else?

A. There were several friends, but we were the only relatives.

Q. Do you remember any distinction in the funeral with reference to the relations?

A. I do.

Q. What was that?

A. They had crape hat-bands.

Q. And you were the only two who had crape hat-bands?

A. Yes.

MR ALEXANDER. That is a matter of undertaker's ceremony, which is hardly important.

MR KEATING. Were there any Morgans of Groeslanfro there?

A. I did not see them.

Q. Did you ever, upon any subsequent occasion, make any entry in that Prayer-book by the direction of Miss Morgan?

A. No; not subsequently.

Q. Is that the only entry you made?

A. That was the only occasion on which I made an entry after her uncle's death.

Q. Are there any subsequent entries in the book?

A. I am not aware that there are.

Q. It stops there?

A. It stops there.

Q. Is the book now in the same state as it was when you first saw it?

A. No.

Q. What has been done to it?

A. Miss Morgan about two or three years ago—the late Miss Rachel Morgan—produced the book. I was sitting in the parlour with her, and from her escritoire in the sitting-room she produced the book, and said, "You know this book, Mr Nicholl?" I said, "No, I cannot say I do."—"Do you not remember it at Mamhilad?" said she. "Not in that cover," said I. "Oh," said she, "I have had it newly bound." It was in a dark-brown leather cover when I first saw it.

MR JUSTICE WILLES. I understand you to say that the book is now in the same state as it was then, except as to the binding?

A. Except as to the binding, my lord, it is.

MR KEATING. Were you in the habit of going at any particular times to White's, at Pontypool, to dine?

A. Yes; whenever I went to Pontypool I always called there; but on certain occasions—generally once a-year—we went there, my wife and myself, and sometimes some of my children, when they were old enough.

MR JUSTICE WILLES. It is astonishing that yesterday and to-day I have never once heard an answer "Yes" or "No" to a question—not once. The question put to you was, "Were you in the habit of going there to dine?"

MR KEATING. You say you were in the habit of doing so?

A. Yes; we always went once a-year.

Q. You and your wife went, and when your children were old enough some of them went with you?

A. Yes.

Q. Who did you meet there?

A. William Morgan of Graigwith, and generally his sister; always one of them, and sometimes the two.

Q. Was that Rachel and Anne?

A. Rachel and Anne.

Q. A family party?

A. A family party.

Q. Upon those occasions have you heard the relationship of the family introduced, as a matter of conversation?

A. I have talked to White upon the subject several times.

Q. Upon those occasions of the family dinners?

A. Yes, on that occasion it has been.

Q. You say you were in the habit of visiting at Pantygoitre, at Miss Rachel Morgan's. How frequently were you in the habit of going there?

A. I cannot say how frequently; but very frequently.

Q. Did your family visit there also?

A. Yes.

Q. Did you frequently visit William Morgan of Mamhilad—the old gentleman?

A. Very frequently.

Q. Do you produce the marriage settlement of Elizabeth Morris, who was Elizabeth Morgan and sister to the second William.

A. What date is it?

MR GRAY. 1730.

A. This is it (producing a deed).

MR JUSTICE WILLES. That is the settlement of this gentleman's wife's grandmother?

MR KEATING. Yes, my lord; Elizabeth Morgan who married John Morris; it is dated the 2nd day of December, in the Reign of George the Second, in the year of our Lord 1730, between John Morris of the parish of Llandilo Cr, in the county of Monmouth of the first part; William Morgan of the parish of Mamhilad in the said county, and Elizabeth Morgan spinster, eldest daughter of the said William Morgan of the second part; John Jones of Graigwith, in the parish of Llandilo Cr, in the said county, and William White, of the parish of Trevethen, in the said county, of the third part. It recites the intended marriage of Elizabeth Morgan and John Morris, and then it conveys the property to trustees—William Morgan and White are the trustees.

MR GRAY. No; John Jones of Graigwith, and William White.

MR KEATING. Yes; they are the trustees; she is there called the eldest daughter.

MR JUSTICE WILLES. Have you any copies of the documents?

MR KEATING. No, my lord.

MR JUSTICE WILLES. There ought to have been an abstract of all the documents.

MR KEATING. The property settled is called the Pant.

MR JUSTICE WILLES. Her father joins in it; the person who if he is the same person, is called the common ancestor.

MR KEATING (to the Witness). Do you also produce the marriage settlement of your mother-in-law, Eleanor Morris, daughter of John and Elizabeth, with George Bond?

A. Yes (producing it).

MR JUSTICE WILLES. This is the witness's mother-in law?

MR KEATING. Yes, my lord. This is an indenture of four parts, dated the 27th day of February, in the year of our Lord, 1771, between George Bond, of the parish of Newland, in the county of Gloucester, gentleman, of the first part; Eleanor Morris of the parish of Llandilo Cresenny in the county of Monmouth, spinster, of the second part; John Lewis, of Llandilo Cresenny, and the Reverend James Burt, of the parish of Newland Clerk, of the third part; and Edmund Probert, of Newland, Esq., and William Morgan, of the parish of Mamhilad, in the said county of Monmouth, Esq., of the fourth part.

(The Witness hands another deed to MR KEATING.)

THE WITNESS. That is Eleanor Bond and John Morris.

Q. This is a settlement of several estates in the counties of Monmouth and Gloucester, on the marriage of the Rev. Henry Rogers?

A. That is a second marriage.

Q. Your mother-in-law, Mrs Bond, married a second husband, the Rev. Mr Rogers?

A. Yes.

MR JUSTICE WILLES. Your wife was by the first marriage?

A. Yes.

MR JUSTICE WILLES. Then I need not take any note of the second; the wife of the witness was a child of the first marriage?

MR KEATING. Yes, my lord.

Q. The defendant, I believe, is your eldest son?

A. He is.

Cross-examined by MR ALEXANDER.

Q. How long did you say Mr Waddington had been Miss Morgan's solicitor before her death?

A. I cannot say—some three or four years.

Q. And was he your solicitor also at the time of her death?

A. No.

Q. Had he been your solicitor at any time before, or your son's?

A. No; I am a trustee, and he acts as solicitor for the trust in which I am concerned, and I have had occasion to go to his office on matters connected with that trust.

Q. But he had not been your or your son's regular solicitor until the institution of these proceedings?

A. No.

Q. You say that with respect to the deed of gift you found the draft of it yourself?

A. Yes.

Q. Where was it that you found it?

A. In a paper; I do not recollect what paper it was. On opening a paper, I saw this document, it fell out.

Q. Where did you find the paper in which it was?

A. In my own room.

Q. At Usk?

A. I did.

Q. Then I suppose it had been removed from Pantygoitre to your residence at Usk?

A. Yes.

Q. Were all the deeds and documents that were at Pantygoitre at the time of the intestate's decease removed to your house at Usk?

A. Yes.

Q. How soon after the decease of Miss Rachel Morgan were they removed to your house at Usk?

A. A few days after her decease.

Q. Was it you or your son that took possession of the house at Pantygoitre on the night of her death?

A. Myself and my son; my second son, not the defendant.

Q. Where was the defendant, then, at the time of Miss Morgan's decease?

A. At Clifton, where she died.

Q. Was he in attendance upon her at Clifton?

A. He went there to see her.

Q. That was his purpose?

A. That was his purpose.

Q. And I suppose you received from him the first intelligence of her death?

A. Yes.

Q. What time of the day of her death was it that you and your second son took possession of her house and property?

A. It was about eight or half-past eight in the evening, or from that to nine.

Q. She died in the afternoon of that day?

A. She died about two o'clock, and I received an electric message from Newport—a messenger came over.

Q. How far is Usk, where you were, from Pantygoitre, which you took possession of?

A. Between five and six miles.

Q. Did you and your second son continue in the house at Pantygoitre that night?

A. We did.

Q. And for some time afterwards?

A. And for some time afterwards, backwards and forwards.

Q. But sleeping at Pantygoitre?

A. Yes.

Q. And I think you have told me that it was within two or three days after your first taking possession that you removed all the documents to your residence at Usk?

A. Yes.

Q. When did you begin to look them over?

A. Shortly after her death.

Q. After you had removed them?

A. After I had removed them.

Q. You made no inspection of them in the house at Pantygoitre?

A. None whatever.

Q. You say you were the first person who found the draft of what is called the deed of gift within some other paper?

A. Yes.

Q. Where was that paper found?

A. The papers relating to the Pantygoitre estate were in a tin box, and I carried them away first?

Q. They were separate by themselves?

A. Yes; the others were in a large heavy oak chest at the top of the house, and they were removed from that into two boxes, and carried to my house.

Q. Then they were not removed to your house in the same receptacle in which they were originally found?

A. No; that chest was too heavy to move.

Q. How soon afterwards was it that the original of the deed of gift was found?

A. I can say the exact day.

Q. I think you say it was about a fortnight?

A. About a fortnight. It was on the 16th of September.

Q. No, that must be a mistake; she did not die till the 29th of September?

A. It was the following month.

Q. It was the following month that you found the draft?

A. There was an interval of a fortnight or three weeks between the finding of the one and the other.

Q. You found the one a few days after her death?

A. No, I beg pardon, not a few days after her death; it was in

the following year I found it—in the year 1856; it was in 1856 that I found it, for I had not made any exact search after anything until after this action commenced, and then I investigated the deeds with a view of ascertaining the pedigree.

Q. When did you find the draft deed of gift?

A. In the month of April, 1856.

Q. You must be mistaken as to that—it could not have been then, because Mr Waddington wrote about it on the 16th of February, 1856; you must, therefore, be mistaken as to the date?

A. Here it is (referring to a book).

Q. Is that a book containing a memorandum made by yourself?

A. Yes, a diary.

Q. When did you find the draft?

A. On the 6th of February, 1856.

Q. The draft?

A. Yes.

Q. Have you a memorandum also of the day on which the original deed was found?

A. I have.

Q. When was that found?

A. On the 21st of February; here is the entry.

Q. The original deed?

A. Yes. Shall I read it?

Q. No, you need not read it; you are entitled to refresh your memory by looking at it: refreshing your memory by looking at it, can you tell his lordship and the jury on what day it was that you found the original deed of gift?

A. On Thursday, the 21st of February, 1856.

Q. Did Mr Waddington find it in your presence?

A. He did.

Q. You say that your mother-in-law lived six years after your marriage?

A. Or nearly so.

Q. About what age was she at the time of her death?

A. She was seventy-six.

Q. And you say it was from her you heard who her parents were?

A. Yes.

Q. And from whom did you hear that she had two sisters?

A. From herself.

Q. Did you hear that from herself also?

A. Yes.

Q. And was it from her you heard that she had a brother, William Morgan of Mamhilad?

A. No; her mother's brother was William Morgan of Mamhilad.

Q. You say he was father to the William Morgan of Mamhilad whom you knew? You say Anne Morgan married David Jones?

A. Yes; so I have heard.

Q. From whom did you hear that?

A. I heard it from Mrs Rogers, my mother-in-law; and I have heard it from others beside. I heard it from Miss Rachel Morgan, and from Mr White of Pontypool.

Q. From whom was it that you heard that Anne Morgan, who married David Jones, had no children?

A. I heard it from each of those.

Q. From all of them?

A. Yes.

- Q. From your mother-in-law, among others?
- A. Yes.
- Q. When you attended the funeral at Mamhilad, you say it was upon the invitation of the family?
- A. Yes.
- Q. Whose invitation—do you remember?
- A. I received an invitation from the undertaker.
- Q. I suppose that would be the usual course; but you found there the nephew, William?
- A. Yes.
- Q. He was then the owner of Graigwith?
- A. He was.
- Q. And was Miss Rachel there at the funeral?
- A. Yes.
- Q. She was there herself also?
- A. Do you mean at the funeral of William Morgan?
- Q. Yes.
- A. I believe she was not at the church.
- Q. But she attended at Mamhilad?
- A. Yes; she was staying there at the time, and had been previously, during her uncle's illness.
- Q. Do I understand you to say that there were any other persons there whom you recollect? I do not think you have mentioned anybody but William Morgan. Who else was there?
- A. I think Mr White was there.
- Q. You are not sure?
- A. I believe he was.
- Q. But you are not certain?
- A. I am not certain. There was a large crowd of people there, but I believe he was there.
- MR KEATING. He could not have been.
- MR ALEXANDER. No, he died about six months before.
- Q. You cannot name any other person to the Jury who was there except Mr Morgan, the nephew?
- A. No.
- Q. Was Miss Anne Morgan there?
- A. She was at the house.
- Q. What was the Christian name of the White who you say you heard married one of the Morgans?
- A. The father of John White was Nathaniel White.
- Q. John White, I think, was the person of whom you knew most, who lived at Pontypool?
- A. I did not know Nathaniel.
- Q. John White was the person of whom you have spoken a good deal?
- A. Yes.
- Q. Is he dead?
- A. Oh yes.
- MR KEATING. He died six months before William.
- MR ALEXANDER. And did he leave any descendants?
- A. Not any.
- Q. You never knew any son or daughter of his?
- A. No.
- Q. Had he a brother?
- A. Not that I heard of.

Q. Nor did you ever know any Whites except the John White whom you knew at Pontypool?

A. I knew there were other Whites.

Q. But were they connexions of the same John White?

A. I have no doubt they were.

Q. But you do not know how they were connected?

A. No.

Q. Did you hear of any family of the name of Lewis being connected with the Morgans?

A. No.

Q. You never did?

A. No; I never did.

MR ALEXANDER WADDINGTON sworn. Examined by
MR GRAY.

Q. Are you an attorney and solicitor practising at Usk, in this county?

A. I am.

Q. And you are the attorney for the defendant in the present action?

A. I am.

Q. Were you solicitor for Miss Rachel Morgan before her death?

A. About three years.

Q. Immediately upon her death were you employed by her next of kin?

A. I was employed by two of her next of kin residing in Monmouthshire.

Q. Were they relations on the side of their mother?

A. They were.

Q. In that character did you go to Pantygoitre House, the residence of Miss Rachel Morgan, immediately after her death?

A. Three or four days after her death I went there to search for her personal effects.

Q. You found Mr Nicholl in possession?

A. Mr Nicholl was in possession.

Q. Did you search where the deeds and papers were with reference to the personal estate, and for any papers relating to it.

A. I searched a large box which contained documents of title, and we found some coins in them. I did not examine the deeds. They were put back again into the box. I did not take the deeds away or touch them.

Q. We understand that Mr Nicholl shortly afterwards took them away?

A. I believe so.

Q. Were you afterwards employed by Mr Nicholl, the defendant in this action, as his Attorney?

A. I was.

Q. Were you employed by him before this action was commenced?

A. Yes.

Q. When were you first employed by him?

A. The day after Miss Morgan died.

Q. You were employed then for him as well as for the next of kin at the time you made your search?

A. I was.

Q. After Mr Nicholl had removed the deeds and documents to his house, did you by his desire inspect them there?

A. I did, at different times.

Q. Did you find there the marriage settlement of William Morgan, who has been called the common ancestor?

A. Yes.

Q. I do not know whether it has been put in or not, or whether you have it?

A. I think it has been put in.

MR JUSTICE WILLES. No; it has not been put in unless it is the deed that was put in yesterday.

MR GRAY. I think it was the marriage settlement of his father that was put in yesterday.

Q. Have you got the deed there?

A. I think that is it (producing it).

MR KEATING. It is dated the second day of October 1697.

THE WITNESS. It was put in yesterday and has been put in again to-day.

MR GRAY. Have you a copy of the register of the marriage of that William with Eleanor.

A. Yes (producing it).

MR GRAY. That is admitted.

MR JUSTICE WILLES. As in the pedigree.

MR GRAY. Yes, my lord; it is dated the 14th of October 1697.

Q. Do you produce a copy of the register of the baptism of William?

A. I have it here.

MR GRAY. I think that is admitted too; it is the 9th of August 1704.

MR PHIPSON. We have not the date of the marriage.

MR GRAY. It is the 9th of August, 1704. I am speaking now of the baptism of William Morgan.

MR KEATING. You said the marriage.

MR GRAY. Then I made a mistake, it is the baptism.

Q. Now put in if you please the baptism of William on the 9th of August, 1704, that I think is from the parish of Llan Hennoek?

A. Yes.

Q. Read it if you please.

A. "Baptisms in 1704.—William, son of William Morgan of Berthlande, baptised this 9th day of August, 1704."

Q. Do you know that place?

A. Yes.

Q. Where is it?

A. In the parish of Llanadoc, a farm belonging to Mr Nicholl now.

Q. How do you mean belonging to Mr Nicholl, is it a farm that belonged to Miss Rachel Morgan?

A. It is a farm which I understand he derived by descent from Mrs Florence Morgan.

MR JUSTICE WILLES. This is one of the farms that Mr Nicholl has taken possession of, claiming to represent Miss Rachel Morgan?

THE WITNESS. No; this is no part of the late Miss Rachel Morgan's property.

MR ALEXANDER. Is that within your knowledge?

A. I have understood so, it is no part of the intestate's property.

MR GRAY. Your lordship will observe that Florence Morgan was also an ancestor of Mrs Nicholl.

MR JUSTICE WILLES. No doubt; but then she was the mother of Eleanor Morgan, whose heir was William Morgan; therefore it would have descended from Florence to Rachel.

MR GRAY. Perhaps so, if it came in a course of descent merely.

MR JUSTICE WILLES. But it does not appear to have gone in any other way.

MR WHATELEY. In point of fact, Mr Nicholl had it before.

A JUROR. May I ask whether this refers to the common ancestor or to the next in succession?

MR JUSTICE WILLES. William, who is alleged to have been the common ancestor, was married in 1697. This is said to be the baptismal register of William, his son—whose brother, John Morgan is alleged to have been; but his father, whom we have been supposing to be the first William of Mamhilad, is described here as of a place the name of which is quite new to us.

MR GRAY (to the witness). Have you a copy of the Register of the burial of that same William Morgan?

A. Yes; 1743, buried.

MR JUSTICE WILLES. In what parish?

A. It is in the parish of Mamhilad—"William Morgan, Gentleman, June 22nd, 1743."

MR ALEXANDER. That is not the same William Morgan.

MR JUSTICE WILLES. It may or may not be. That is all that can be said of it.

MR GRAY (to the witness). What is the date you have given?

A. 22nd of June, 1743. This is taken from the Mamhilad Register.

Q. That certainly is a mistake. It is the death of his father, the common ancestor.

MR ALEXANDER. Let me look at the Register you have just read from.

THE WITNESS. It is dated the 8th of November, 1772. "Mr William Morgan, Gentleman, 7th December, 1772." That is from Mamhilad.

MR GRAY. I want the Register of the 22nd of June, 1743—the common ancestor.

MR JUSTICE WILLES. I have got that already.

MR GRAY. Then there is another from Mamhilad.

THE WITNESS. Yes; the 8th of November, 1772—Mr William Morgan, Gentleman, buried.

MR GRAY. Do you produce the marriage settlement of William Morgan with Rachel Jones?

A. Yes.

Q. Dated 30th June, 1741, between William Morgan the elder, of the parish of Mamhilad, in the county of Monmouth, Gentleman.

MR JUSTICE WILLES. That would be the common ancestor.

MR WHATELEY. Yes, my lord.

THE WITNESS. Son and heir of Edmund Morgan, late of the said parish and county, Gentleman, and Catherine his wife, both deceased; and William Morgan the younger, of the same place and county, Gentleman, son and heir-apparent of the said William Morgan, by Eleanor his late wife, deceased, of the first part; John Jones, of Graig-

with, within the parish of Llangibby, in the said county, Gentleman, and Rachel Jones, spinster, eldest daughter and one of the co-heirs of the said John Jones, of the second part, and Henry Morgan.

MR JUSTICE WILLES. How does that describe the other William Morgan?

A. William Morgan the younger, of the same place and county, Gentleman, son and heir-apparent of the said William Morgan, by Eleanor, his late wife, deceased, the two trustees, of the third part.

MR GRAY. What property did that deed profess to deal with?

A. Some property at Mamhilad.

Q. Does it mention any copyhold property?

A. Yes.

Q. Perhaps you will read it?

A. There is another witnessing part, "And whereas the said William Morgan the elder"—

MR JUSTICE WILLES. There is a covenant to surrender.

A. Yes, my lord.

Q. You had better read what he covenants to surrender.

MR GRAY. Read the covenant, if you please.

Q. Shall I read the covenant for my lord to take down?

MR JUSTICE WILLES. No; I shall take down no covenant to surrender, for it is the same all the world over. The property is the material thing.

A. "And whereas the said William Morgan the elder, now holds certain copyhold property within the manor and lordship of Bryndwyn," &c. (Reads a portion of the deed.)

MR JUSTICE WILLES. It is settled before the old man dies?

MR GRAY. Yes; there is a covenant to surrender.

MR JUSTICE WILLES. John had nothing to do with it?

MR WHATELEY. No, my lord; *there is no mention of John at all.*

MR GRAY. I come now, my lord, to the line down to Mr Nicholl.

Q. Do you produce a copy of the Register of the baptism of Elizabeth, the daughter of the first William Morgan, the common ancestor?

A. I do; the date is 1700. "Elizabeth, daughter of William Morgan, was baptised the 8th of April."

MR ALEXANDER. In what year?

A. 1700.

MR GRAY. Did you find among the papers a probate of the will of Florence Morgan?

A. Yes.

Q. Have you got that here?

A. Yes; it is in the box.

Q. Will you produce it if you please?

(The Witness produces the probate.)

MR ALEXANDER. I do not know what we have to do with the probate of her will.

MR PHIPSON. She is the mother of Edmund,—the grandmother of the common ancestor.

MR GRAY. She is the mother of Eleanor, the common ancestor's wife.

Q. Does that show when she died?

A. It does not; it gives the date of the probate.

Q. What is the date of the probate?

MR JUSTICE WILLES. All these things ought to have been got ready out of court. It is the duty of the attorney to have all these things ready to put in. It is too bad that the jury should be brought

here to try this case at an unusual time, and that no pains should be taken to save them time or trouble in the matter.

MR GRAY. It is April, 1717—we will read the probate. We have the original will, but we will read it from the probate.

[The probate of the will of Florence Morgan, dated 11th March, 1712, is put in and read.]

MR WHATELEY. The date of the will is the 11th of March, 1712, and the date of the probate is April, 1717.

MR GRAY. Do you produce a copy of the register of baptism of John Morris, dated 29th June, 1732?

A. Yes.

Q. From what parish?

A. Llantilio Cresigny.

Q. Will you read the register if you please?

A. Baptised, Anno Domini, 1732, filius Johannes Morris.

MR JUSTICE WILLES. You are going down now again to Mr Nicholl?

MR GRAY. Yes, my lord. We are going to produce the registers of the births and deaths of that line.

MR JUSTICE WILLES. It is not essential to the case; there is an obvious reason why you should do it though it is not absolutely essential to the case.

MR GRAY. Now John, the son of John Morris and Elizabeth, his wife, baptised June 1732?

A. Yes.

Q. That is the parish of Llantilio Cresigny?

A. Yes.

Q. That is the parish in which the Pant described in the marriage settlement is?

A. Yes.

Q. Have you the baptism of Elizabeth, the daughter of John and Elizabeth, his wife?

A. Yes; baptised 11th March, 1735.

Q. March or May?

A. March.

MR ALEXANDER. Does the register state whose son he is?

A. Yes.

MR GRAY. Now, have you the register of Elizabeth, the first daughter of that marriage?

A. Yes; the daughter of John Morris of the Pant, Gentleman, and Elizabeth his wife?

Q. The next is Eleanor?

A. Yes; daughter of John Morris and Elizabeth his wife, was baptised 18th July, 1737.

Q. Then there is Morgan?

A. Morgan, son of John Morris and Elizabeth his wife, was baptised June 16th, 1743.

Q. Now of three out of those four children have you the registers of the burials?

A. Yes.

Q. First give us the register of John, the 27th of August, 1754.

A. John Morris of the Pant, Gentleman, 7th December, 1753.

Q. That, I suppose, is the old man himself? I am speaking of the son.

A. That is the 27th of August, 1754.

Q. There are two registers there, are there not?

A. Yes.

Q. The first is the register of the father John, the husband of Elizabeth?

A. I believe so.

Q. And the second is the register of his eldest son John, whom you have mentioned?

A. Yes.

Q. What are the dates of those two?

A. The first is the 7th of December, 1753, and the second the 27th of August, 1754.

Q. Is the description in both "John Morris" of the Pant?

A. Yes.

Q. Then Elizabeth?

A. Elizabeth Morris, of the Pant, buried July 15th, 1768.

Q. Then Morgan?

A. Morgan Morris of the Pant, buried 17th July, 1773.

Q. Have you the register of the burial of Eleanor?

A. Eleanor married George Bond.

Q. Have you a copy of the register of the marriage of George Bond and Eleanor?

A. I have.

Q. From Llantilio Cressigny?

A. Yes.

MR JUSTICE WILLES. That is quite enough for you. Mr Nicholl spoke to the person of whom you are now going to prove the marriage. You have quite enough for your present purpose.

MR GRAY (to the Witness). Have you a register of the burial of Elizabeth Morris?

A. Yes; on the 4th of February, 1785.

Q. 1785 is it?

A. Yes.

Q. Read it if you please?

A. Buried, 1785, Elizabeth Morris, February 4th.

Q. Have you a copy of the register of baptism of Eleanor, daughter of George and Eleanor Bond. That is Mrs Nicholl?

MR PHIPSON. We have had that before.

MR GRAY. The date is the 25th of May, 1775, I believe?

THE WITNESS. Baptised, Eleanor, daughter of George and Eleanor Bond. That is in the parish of Newland.

MR JUSTICE WILLES. What are you proceeding to now?

MR WHATELEY. The wife of Mr Nicholl.

MR GRAY. I do not think we need produce any more of these; there is one that may be important. Have you the Register, showing when Mrs Bond married Mr Rogers, her second husband?

A. Yes, I have, in the year 1781: "Henry Rogers, Clerk, and Eleanor Bond, married in this Church by License, this 28th December, 1781, by me, D. P. Davis. This marriage was solemnised between us, Henry Rogers—Eleanor Bond."

MR ALEXANDER. In what parish?

A. Monmouth—this town.

MR GRAY. We have the Register of Mr Bond, the first husband's burial—if it is desired we will put it in.

Q. After this action of ejectment was brought, did you make any further search among Mr Nicholl's deeds?

A. I did.

Q. Had Mr Nicholl shown you this document, the draft of what is called the deed of gift?

A. He had.

Q. Do you remember making search in order to endeavour to find the original?

A. I did. That (the draft) induced me to make a very careful search for the original.

Q. At Mr Nicholl's house?

A. At Mr Nicholl's house.

Q. Where did you find the original?

A. I found the original inside one of the settlements of even date.

Q. Are there duplicates of the settlement of 1741?

A. There are.

Q. And, I understand you to say, you found this inside one of the duplicates?

A. I did.

Q. Produce it if you please. (The Witness produces the deed.) Hand it in if you please, and the draft also.

MR ALEXANDER. Let me look at it first. (The deed is handed to Mr Alexander.)

MR PHIPSON. Will you allow me to see the draft? (It is handed to Mr Phipson.)

MR GRAY. Now, we will read the deed. (The deed and the draft referred to are put in.)

THE ASSOCIATE. "Know all men by these presents, that I, William Morgan the Elder, of the Parish of Mamhilad, in the county of Monmouth, Gentleman, for and in consideration of the natural love and affection which I have and bear unto *my only son and heir*, William Morgan, the younger, of the said parish of Mamhilad, and county aforesaid, and in consideration of the marriage intended to be had and solemnised between my said son William Morgan, the younger, and Rachel, eldest daughter of John Jones, of Graigwith, within the parish of Llangibby—"

MR JUSTICE WILLES. The only part that is material is "*unto my only son and heir*."

MR WHATELEY. That is all.

MR GRAY. Is the will of William Morgan here? (The will is produced and put in and read, dated 2nd December, 15th George 2nd, 1741.)

MR GRAY. We propose to read the inventory of personal estate, produced with the will, from the registry of the Bishop's Court, simply to show what was the personal estate he left.

MR ALEXANDER. I do not know how that can be evidence.

MR JUSTICE WILLES. It is sent in for duty I suppose?

MR ALEXANDER. I do not know whether in 1741 there was any duty payable.

MR GRAY. It was at that time the duty of the executor to exhibit an inventory in the Bishop's Court.

MR ALEXANDER. Your lordship will find that the deed of gift is stamped; but this inventory rests on a different footing altogether.

MR JUSTICE WILLES. This account was sent in to the court as showing the goods either for duty than payable, or it may have been sent in for the purpose of showing the goods that were to be administered.

MR ALEXANDER. I do not know when the present modern system

began of merely giving a valuation without an inventory. Will you (Mr Gray) allow me to look at the document?

MR GRAY. It is the inventory brought into the Bishop's Court by the executor.

MR JUSTICE WILLES. This must either have been sent in to show what was to be distributed under the bond to the ordinary, or for duty, if there was duty payable at that time; in either case it would charge the party who sent it in, and therefore I should have thought it would be admissible.

MR ALEXANDER. I do not think there was any bond given at that time.

MR JUSTICE WILLES. Yes; there was a bond well and truly to administer the estate.

MR ALEXANDER. That is in a case of intestacy, my lord, but we must have the will read.

MR JUSTICE WILLES. Where is the probate? Was it administration with the will annexed?

MR ALEXANDER. She is made executrix.

MR JUSTICE WILLES. There was probate?

MR WHATELEY. Yes.

MR GRAY (to the Witness). Have you the probate of this will?

A. No, I have not, this is an office copy.

MR JUSTICE WILLES. I must send for a book to see whether it is evidence or not. The statutes are somewhere in the building of course.

MR GRAY. The Ordinary has jurisdiction over these goods in the first instance, and I should think that this inventory was presented to the ordinary by the executor.

MR ALEXANDER. If so it would be in the ordinary's court.

MR JUSTICE WILLES (to Mr Whateley). You must show some sort of proceeding, otherwise I cannot, in my present state of knowledge, admit it. Is this filed by the executrix?

MR GRAY. It is found with the will, and purports to be filed by the executrix.

MR JUSTICE WILLES. Let me look at it. (The document is handed to his lordship.) It is one of those provisional inventories which have been held not to be evidence against an executrix. Have you got the probate?

MR GRAY. No; we have an office copy, but it is not in a state to be produced.

MR JUSTICE WILLES. This is the will of Florence in 1717, and it appears that at that time there was a stamp upon probates.

MR GRAY. Yes, my lord.

MR JUSTICE WILLES. Whether that was an *ad valorem* stamp or not does not appear.

MR GRAY. This purports to be the probate of this will, and it is stamped.

MR ALEXANDER. Is there the seal of the diocese?

MR JUSTICE WILLES. I think you had better go on with some other part of the evidence, and when the book comes I will see what can be made of it.

MR GRAY (to the Witness). I have to ask you now about some registers with reference to the White family.

MR JUSTICE WILLES. This is an extract from the register, and would be admissible in evidence if it comes from proper custody equally with the probate.

MR GRAY (to the Witness). Where did you find that?

THE WITNESS. Among the late Miss Morgan's papers.

MR GRAY. My lord, I apprehend that that alone would make it evidence.

MR JUSTICE WILLES. It appears that the practice of that court, and probably of many others, was to swear the executor, although it was not the practice to require a bond well and faithfully to execute the will and to the truth of the inventory, and also to render a just account of their administration when thereunto lawfully required. Therefore, although there was no bond it appears that the executor was under the same obligation, though without being required to find sureties; that being so, it is admissible.

MR ALEXANDER. I have not seen the document, my lord.

(The inventory is handed to Mr Alexander.)

MR JUSTICE WILLES. It is an extract from the Act Book of the Ecclesiastical Court.

MR ALEXANDER. This is not the probate.

MR JUSTICE WILLES. No; but it is of equal value. If the Act Book of the Ecclesiastical Court is here it will make an end of the matter, for it will there appear that the party was sworn to the inventory, and to give a true account; Have you got the Act Book here?

MR GRAY. No, my lord.

MR ALEXANDER. I do not know that I should object to this.

MR WHATELEY. The object is merely to show that the personal property was extremely small.

MR GRAY. No; not that it was extremely small, but that there was no farming stock—that it was money.

MR JUSTICE WILLES. It is a great pity that you have not brought those documents from the Ecclesiastical Court, you can tender this at the end; I feel disposed to admit it at the end.

MR GRAY (to the Witness). Have you a copy of the register of the baptism of John, the son of Nathaniel White?

A. I have.

Q. From what parish?

A. The parish of Trevethin.

Q. What is the date of it?

A. The 1st of September 1740, "baptised John—S. of Nathaniel White."

Q. Have you the burial of Mary, the wife of Nathaniel White?

A. I have; "Mary, the wife of Nathaniel White, October 11th, 1780."

Q. That is the register of burials?

A. Yes.

MR JUSTICE WILLES. What are we now upon?

MR GRAY. This is simply to show the White branches.

MR JUSTICE WILLES. What is the use of that?

MR GRAY. To show that Mrs White lived to a certain period.

MR JUSTICE WILLES. Have you given evidence of her baptism; that is the important thing.

MR GRAY. Whose baptism, my lord?

MR JUSTICE WILLES. Mary Morgan.

MR GRAY. I apprehend so.

MR JUSTICE WILLES. I have not seen it; I have been looking out for it.

MR PHIPSON (to Mr Gray). You put in the baptism of Elizabeth.

MR JUSTICE WILLES. If you put in the register of her baptism you prove something.

MR GRAY. We have given certain evidence to show the relationship of John White; we propose now to prove the burials of John White's father and mother.

MR JUSTICE WILLES. You may prove it, but I will not take a note of it, for it appears to me to be a mere waste of time.

MR GRAY. It does not appear so to me, my lord; *we prove their existence and raise an argument from these persons not knowing them*; we simply desire to show down to what time they continued in life. We propose to show that Edmunds's supposed aunt did not die till 1780.

MR WHATELEY. And that John White lived till 1823.

MR GRAY. We will put in the register of the burial of Mary.

MR JUSTICE WILLES. That is one of the sisters of William.

MR GRAY. Yes.

THE WITNESS. "Mary, the wife of Nathaniel White, October 11th, 1780."

MR GRAY. What parish is that?

A. Trevethin.

Q. Is that near Pontypool.

A. Pontypool is in the parish of Trevethin.

Q. Have you copies of some inscriptions on monuments relating to the White's.

A. I have.

Q. Do you know the handwriting in this Prayer-book? (Handing it to the witness.)

A. This looks very like the writing of Miss Rachel Morgan.

MR ALEXANDER. It may look very like it, and still not be it.

MR GRAY. Have you searched very carefully through all the deeds and documents that Mr Nicholl has, with a view to this action?

A. Yes.

Q. Have you found anywhere among those documents any trace of a John Morgan, brother to the second William?

A. None whatever.

Cross-examined by MR ALEXANDER.

Q. How soon after the death of Miss Rachel Morgan was it that you took possession of her effects for the benefit of the next of kin?

A. About the Wednesday or Thursday after her death.

Q. That is no guide to me, for I do not know the day of the week on which she died.

A. That was on the Friday.

Q. And you took possession of them on the following Wednesday?

A. Yes.

Q. You found Mr Nicholl in possession?

A. Yes.

Q. You knew that he had been in possession from the day of the death, did you not?

A. Yes.

Q. Did you go to the premises at Pantygoitre before that Wednesday?

A. Yes.

Q. How soon after death did you go there?

A. The day after.

Q. On the Saturday?

A. Yes.

Q. And you found Mr Nicholl and his son there?

A. Yes.

Q. Did you make any search among the documents or papers there?

A. I did not.

Q. Was it under your advice that they were all removed to Mr Nicholl's premises at Usk?

A. No.

Q. That was of his own motion. Then the examination which you made of the deeds was carried on at his residence at Usk?

A. It was.

Q. How soon after the things had been removed did you begin your examination of the deeds and documents?

A. I cannot state exactly.

Q. Can you not tell the gentlemen of the jury nearly about the time?

A. No, I cannot.

Q. I will give you a time to start from. The intestate died on 29th of September, 1854, on a Friday: Can you not say how soon after you went there, and found Mr Nicholl and his son in possession, you began to make a search among the documents?

A. I cannot state exactly.

Q. Can you state generally? Have you not some memorandum to guide you?

A. Yes; I have a memorandum. (Referring to a paper.) This memorandum will enable me to state the time. I did not recollect it when you first asked me the question?

Q. Was that memorandum made by yourself?

A. This is copied by my clerk out of my bill-book.

Q. I will not object to that, though it is not made by yourself. Tell me when you began to make the search?

A. On the 12th of October, 1854. This is my memorandum:—"Attending Mr Nicholl, senior, going over title deeds, and arranging same."

Q. It is only to guide you to the time. It was the 12th of October, 1854, that you began to search?

A. Yes.

Q. And you continued it, I suppose, with intermissions?

A. I believe that the first search was arranging the deeds; there were a vast number of them.

Q. Do you mean classifying them?

A. Dividing them into purchase deeds and wills?

Q. Classifying them?

A. Yes.

Q. You could not classify the deeds without understanding the nature of them?

A. No.

Q. You separated the marriage settlements from the purchase deeds, the wills from the leases, and so on?

A. Yes.

Q. Do you know exactly when it was that you found what is called the original deed of gift?

A. I know the precise day.

- Q. Mr Nicholl has stated it ?
 A. The precise day was the 21st of February, 1856.
 Q. The draft was found a few days before ?
 A. The draft was found before.
 Q. On the 6th ?
 A. I believe so.
 Q. In point of fact, it was you who found the deed, was it not ?
 A. The original deed I found.
 Q. Had you placed anybody in possession there ?
 A. I placed a clerk at Pantygoitre, to take an inventory of the effects.
 Q. And to keep possession on the part of the next of kin ?
 A. Of the personal effects.
 Q. Who employed you as the next of kin ?
 A. The next of kin in Monmouthshire were Thomas Jones and John Jones.
 Q. Which of those gentlemen employed you ?
 A. Both of them, as I considered.
 Q. You state that the original deed was found on the 21st of February. Will you explain, if you please, how it was that in your letter of the 16th of February, 1856, you state, among other circumstances, "There is a written document which, at the time of our correspondence I had myself not seen, being mislaid, but which Mr Nicholl's father has laid his hand on since the ejectment was brought" ?
 A. I alluded to the draft at the date of that letter; the original had not been found; it was not found for some days afterwards.
 Q. What was there to show that the draft had been mislaid ?
 A. There was a memorandum in the writing of the Rev. Iltyd Nicholl—a short memorandum—alluding to it.
 Q. You say in your letter, "that Mr Nicholl's father has laid his hand upon it since the ejectment was brought." There is no mention of the Rev. Iltyd Nicholl in that letter.
 A. No; but when I wrote that letter to Mr Tanner, the draft only had been discovered.
 Q. You do not call it a draft ?
 A. No; I call it a document. I thought it important.
 Q. "A written document which at the time of our correspondence I had myself not seen, being mislaid;" but you and Mr Nicholl have both told us that he found the draft enclosed in the marriage settlement on the 6th of February, 1856; and that you, in his presence, found the original deed on the 21st ?
 A. That is true.
 Q. Then how could the draft be correctly stated to be mislaid ?
 A. Because I had a strong impression that it was in existence when I wrote to Mr Tanner six months before. I had then a strong impression that there was such a document.
 Q. But you did not state that to Mr Tanner. You stated in your letter of the 6th of August, 1855, that there was nothing but hearsay evidence ?
 A. I did not state that. I would not state positively a thing I was not certain of. I had not seen either the draft or the original when I wrote that letter of the 16th of August.
 Q. But you had an impression in your mind that there was such a document ?
 A. Yes.

Q. You had not seen it, then, when you corresponded with Mr Tanner, in August 1855.

A. I had not.

Q. What do you mean by having an impression on your mind that there was such a document?

A. Because there was a written memorandum at that time of the existence of such a document.

Q. Where is that written memorandum?

A. It has been lost within these three weeks.

Q. In whose custody was that written memorandum?

A. In mine.

Q. When did you see it last?

A. I think it was this day three weeks.

Q. Where was it when you last saw it?

A. In my house.

Q. I suppose you, as the defendant's solicitor, have had the charge of the principal documents and deeds, many of which we have seen here?

A. Yes; I have very carefully searched for that memorandum; it was attached to—at least not attached, but it was a piece of this paper which I hold in my hand. (Producing a paper.)

Q. What is that paper? Let me look at it. (The paper is handed to Mr Alexander.)

A. Mr Nicholl took that away from my house, and I believe he took the corresponding piece of paper with it.

Q. Whose writing is this?

A. I believe it is the defendant's.

Q. And the endorsement also?

A. Yes.

Q. Then, was the memorandum at the bottom torn off from this?

A. It was on the back, it was torn from that.

Q. Who tore it off?

A. I do not know, it was kept together.

Q. Did you give Mr Nicholl this paper to write upon?

A. No, Mr Nicholl was in my house, I think, this day three weeks; he had the paper, and I believe he took it away with him.

Q. Was it in your house that he wrote upon this paper?

A. No.

Q. Had he brought it to your house in its written state?

A. That piece of paper, together with the piece of paper which I am sorry to say is lost, was in my possession this day three weeks.

Q. It was a part of the same sheet?

A. Yes, upon the back.

Q. Do you know who tore it off?

A. No, I kept them together.

Q. When you last saw this paper three weeks ago, the memorandum you speak of was attached to it?

A. No, not attached to it.

Q. Was it with it?

A. Yes.

Q. Was it separate from it?

A. Yes.

Q. When you last saw it, were they separate?

A. Yes.

Q. But the memorandum you speak of was written on a piece of

paper which belonged to this, and which if it was true, would fit the edges of this?

A. Yes, I believe Mr Iltyd Nicholl took it away.

Q. You speak very accurately as to the date; you say that this day three weeks the memorandum and this paper were in your possession. What were you looking at the memorandum for this day three weeks?

A. We were discussing the matter.

Q. What matter?

A. This cause.

Q. But why were you looking at this particular memorandum this day three weeks?

A. We were looking at the copy of the pedigree.

Q. But still here was a memorandum on the other piece of paper which was torn off; why were you looking at that memorandum, which related to the copy of the deed of gift, you having long before found the original deed of gift itself. How did you happen to be looking at the memorandum which is lost, and which you say related to the copy of the deed of gift, when the original deed of gift itself had been found?

A. I was looking at that piece of paper which you now have in your hand, Mr Nicholl took it away with him, and I believe he took the separate piece of paper with it.

Q. What did he take it away for?

A. I believe to examine the pedigree; I do not know.

Q. Did he take the other piece of paper which was separate?

A. They were always kept together by me.

Q. From whom did you receive this back?

A. From Mr George Nicholl. I made particular inquiries of them several times, with a view to have it returned to me, and that was the only piece that was brought back.

Q. Who is Mr George Nicholl?

A. The brother of the defendant.

Q. He is the gentleman who took possession of the house at Pantygoitre in the absence of his brother?

A. Yes.

Q. And he it was who took away these papers?

A. No, it was his father who took them away.

Q. I thought you said it was the defendant?

A. No, the father.

Q. This piece of paper which you have produced, is in the handwriting of the defendant, I think you say?

A. I believe so.

Q. Surely you know your own client's handwriting; look at it?

A. I believe so.

Q. And do you believe that endorsement to be in your client's handwriting also?

A. Yes.

Q. Whether it was Mr George Nicholl, or Mr Nicholl senior, or the Reverend Iltyd Nicholl the defendant who took it away, you do not know?

A. Yes, it was the father; I saw it in his hand.

Q. For what purpose were you referring to that memorandum, which is not now to be found?

A. I do not think we were referring to that memorandum at all.

Q. Did you take any part of the pedigree from this written statement here, when you were preparing instructions for your counsel?

A. I do not think I relied upon this.

Q. Did you avail yourself of it?

A. I do not think I relied upon it at all, it contains a part of the pedigree which does not relate to this question.

Q. Did you avail yourself of it?

A. I cannot recollect that I did.

Q. Did you see that written out by the defendant?

A. No, it was given to me.

Q. Then you say your belief is, that Mr Nicholl the defendant, or Mr Nicholl senior, took this memorandum away, and the other memorandum with it?

A. The father.

MR JUSTICE WILLES. This gentleman says he suspected before the deed was found that it would be found, because of the piece of paper and memorandum; that they were pinned together until three weeks ago, when they were taken away by Mr Nicholl senior, and only that paper is now produced, the memorandum not being forthcoming; that is the effect of what he says.

MR ALEXANDER. When did you receive this paper back again?

A. Just before the assizes.

Q. From whom did you receive it?

A. From Mr George Nicholl.

Q. And you did not receive the memorandum back?

A. No, I did not. I asked very anxiously for it indeed.

Q. And it has not been found?

A. It has not been found. I have searched for it among my own papers, but without success.

MR JUSTICE WILLES. It was some modern memorandum?

A. It was.

MR WHATELEY. What was the memorandum?

MR ALEXANDER. I do not apprehend that my friend is entitled to have the contents of it.

MR WHATELEY. Very well, then I will ask Mr Nicholl senior, a question about it.

MR JUSTICE WILLES (to Mr Waddington). Whose handwriting was it in?

A. The defendant's.

MR WHATELEY (to Mr Nicholl). Do you remember taking away that memorandum of which we have been speaking, from Mr Waddington's?

MR NICHOLL. I remember taking that paper folded up, but I never saw any memorandum, if there was a memorandum I may have dropped it, or lost it, I never read it.

MR WHATELEY (to Mr Waddington). What was in the memorandum?

MR ALEXANDER. Does your Lordship think my friend can ask that?

MR JUSTICE WILLES. No, your course Mr Whateley is this, at the end of your case to tender Mr Iltyd Nicholl, the defendant, for cross-examination upon the subject of that piece of paper.

MR ALEXANDER. The witness has just said that he never read the memorandum.

MR JUSTICE WILLES. But the effect of it is this; let us take care we are sure what we are proceeding upon. Mr Alexander cross-examined this witness as to how he came to be so long finding the

deed of gift, and about his letter to Mr Tanner, and then the witness blurted out that which has led to all this discussion. It is a great pity that witnesses, particularly attornies, will not confine themselves to answering questions. However, the witness would insist on giving a wise explanation of his own, and he blurted out that he suspected the deed might be found in consequence of a memorandum in the handwriting of Mr Nicholl, the defendant. It so happens that that memorandum has been lost, and all you have to do in order to lay the ghost of an observation by-and-by, is to tender Mr Iltyd Nicholl for cross-examination.*

A JUROR. My lord, the jury are anxious to know the date of the decease of William Morgan, whose will bears date the 2nd of September, 1741, and whether there was any son subsequent to the deed of gift.

MR JUSTICE WILLES. The common ancestor is said to have made his will and his deed of gift in the same year, and to have died in 1743. He made them in favour of William Morgan, who is said to have been born in 1704, and to have died in 1772. The William whose will and deed of gift those are said to have been, is William, the common ancestor, who, if John was the brother of the other William, would have been John's father. This deed of gift is as much as to say *there could have been no John as alleged by the plaintiff, because William is stated to be the only son in that deed of gift*, and then in order to show that John must have been alive at that time reference is made to that tombstone, a copy of which has been produced; that is the effect of it.

A JUROR. That is what the jury wished to know, my lord.

MR GRAY. The jury asked whether any son was born subsequently to the date of the deed of gift.

MR JUSTICE WILLES. I do not think that is material, because John, through whom the plaintiff's pedigree is traced, is said to have been married to a Diana, and the Diana stated in the pedigree died in 1746—it must have been son born before 1741—but the death of that John is only matter of inference; it is said you ought to infer from the tombstone of Diana that he did not die before 1746.

MR GRAY. Will your lordship allow me to point out—

MR JUSTICE WILLES. No; this is only in answer to a question put by the jury.

MR GRAY. I merely wished to call your lordship's attention to something you have overlooked.

MR JUSTICE WILLES. Your learned leader will put that right by-and-by.

MR GRAY. We will call Mr Waddington to prove a fact which is stated not to be in evidence.

MR JUSTICE WILLES. *It is clear that if John were a son he was not born after the deed of 1741; that is the point which you (the jury) wish to ascertain.*

MR WHATELEY (to Mr Waddington). Have you an entry from the register of the death of Eleanor Morgan, the wife of the common ancestor?

A. I have. "1737, buried Eleanor W. of William Morgan, Gentleman, November 10th."

* The examination respecting this memorandum was simply ludicrous and a sham to mislead the jury. What could it matter how many private memoranda were written by the defendant? Would Mr Alexander, Q.C., have allowed them to be read? Certainly not, and he would have laughed at such a proposal.

MR CHARLES JAMES PARKES sworn, and examined by
MR WHATELEY.

Q. Are you the deputy steward of the manor of Wensland and Bryngwyn?

MR JUSTICE WILLES. They ought properly to have presented the deed of gift if there was a real heir.

MR WHATELEY. I only wanted to show what was presented.

MR JUSTICE WILLES. It seems to me to be perfectly immaterial; what the homage presented is wholly immaterial.

MR WHATELEY. It is only a covenant to surrender in the deed.

MR JUSTICE WILLES. That has nothing to do with it, a surrender must be assumed to have taken place; that is a false point.

MR WHATELEY. It strikes us that it is very material to prove that.

MR JUSTICE WILLES. It seems to me to be a false point. There is no interest in John to get any part of it, or his family either.

MR WHATELEY. No, but the Lord's Court presents to the lord who is the next heir, and until there is a surrender that deed of gift would not operate against the lord.

MR JUSTICE WILLES. I am quite aware of that, in substance John's not having been admitted to that copyhold has nothing to do with the case, because the property belonged wholly to William, by descent from his father.

MR WHATELEY. I must bow to your lordship's judgment if you decline to receive the evidence, but perhaps your lordship will be kind enough to take a note that I tender it.

MR JUSTICE WILLES. I shall tell the jury that it is a total waste of time, and I am quite sure the jury will agree with me. It is merely the difference between a legal and equitable estate. If John had attempted to come in it would only have led to a Bill in Equity.

MR FRANCIS McDONNELL sworn. Examined by Mr KEATING.

Q. Are you a barrister?

A. Yes, I am.

Q. And a magistrate for the county of Monmouth?

A. I am.

Q. Were you formerly a solicitor?

A. Yes.

Q. Were you articled to Mr Prothero?

A. Yes.

Q. A well-known solicitor in this county?

A. Yes.

Q. Did he for many years act as solicitor to the Morgan family?

A. He did; I was articled to him in the year 1806; he was then acting for the Morgan family, and had done so for many years before.

Q. From the year 1810 to 1836 did you and your partner Mr Prothero act as the family solicitor?

A. I became a partner with him in 1810, and from that time till his death he and I and his son acted as partners, and we acted for that family, the father died in 1819, and the son in 1820 or 1821.

Q. And you continued after their death to act for the family?

A. Yes.

Q. Were you also solicitors for the Nicholl family?

A. Yes.

Q. Did you know the intestate, the late Miss Rachel Morgan?

A. Very well.

Q. Did you know her brother William Morgan?

A. Intimately.

Q. Did you know her uncle William Morgan?

A. Yes,

Q. He was of Mamhilad?

A. Yes.

Q. We hear that John (William's brother) died in 1805?

A. He died just after the time I came to Mr Prothero.

Q. You say that you were very intimate with the two Williams and with Miss Rachel Morgan?

A. Yes.

Q. Can you tell us whether the Morgan's Rachel and the two Williams spoke of the Nicholls as being relations?

A. They did, Miss Morgan and her brother always spoke of Mrs Rogers as their aunt?

Q. Miss Rachel did?

A. Yes, Miss Rachel and her sister Anne and William.

Q. Have you heard William Morgan of Mamhilad, the uncle of Rachel, speak of it?

A. I was in almost daily intercourse with them; but I do not know that I can particularly remember that Mrs Nicholl used always to call him her uncle. She used to call Mr Morgan of Mamhilad her uncle.

Q. Were the Morgans and the Nicholls on terms of intimacy with each other?

A. Oh dear yes, neither Mrs Rogers nor Mrs Nicholls did anything of the least importance I think without Mr Morgan's concurrence.

Q. As you were very intimate with both the families you can say whether they treated each other as relations?

A. Yes, I was on very intimate terms with them, I think the Nicholls were about the best friends I had.

Q. Have you heard Miss Rachel and William and Anne speak of what relations they believed to remain to them at any time?

A. I heard of an uncle by the mother's side, a man of the name of Jones, and I acted for him in the sale of some property that he had near Usk, but I never heard of any other.

Q. Have you heard mention of White at all?

A. Yes, I have; there was a Mr White a very respectable tradesman of Pontypool. They always called me cousin. I met Mr William Morgan very often at Mrs White's.

Q. Mr William Morgan the nephew?

A. Yes, he and I were almost like brothers.

Q. William Morgan?

A. Yes.

MR JUSTICE WILLES. The nephew?

A. Yes.

MR KEATING. In all your intercourse with this family, with whom you were on such intimate terms, did you ever learn that William Morgan, the father of the William you knew, had a brother named John?

A. Yes, of Graigwith.

Q. Did you ever learn that William Morgan the father of your friend—

MR. SHERJEANT PIGOTT. John was the father of your friend.

MR. KEATING. Did you ever know from them that John the father of your friend—that his father was William Morgan?

A. No, there were two William Morgans, the uncle and the nephew.

Q. But there was a third who was the father of John?

A. The father of John?

Q. There was a third who was the father of the elder William Morgan whom you knew?

A. Yes.

Q. The elder of the William Morgans whom you knew, did you know the name of his father?

A. Only by reputation.

MR. JUSTICE WILLES. It would be the name of his friend's grandfather.

THE WITNESS. I have heard it lately, but I do not know that I knew it at that time.

MR. KEATING. Did you ever hear Miss Rachel Morgan, or any of the Morgans with whom you are acquainted, speak of any Morgans of Groeslanfro as being relations?

A. No, never, I never heard of such people at all till lately.

Q. As you were intimate with these people did you know whether William Morgan, the father of your friend, was a shareholder in the canal company.

A. Do you mean the uncle?

Q. Yes.

A. Yes, he was a large shareholder, he was one of the principal shareholders. I acted as solicitor for the canal company for many years.

Q. Did you ever know of John Morgan being a shareholder of the canal company?

A. No.

Q. You knew that William, was?

A. Yes.

MARY MORGAN sworn. Examined by MR. GRAY.

Q. Do you live at Mamhilad?

A. Yes,

Q. May I ask how old you are?

A. Sixty-seven.

Q. Are you the daughter of Mr William Morgan who lived at Mamhilad?

A. I am.

Q. Not the William Morgan of Mamhilad, of whom we have been speaking, but another William Morgan?

A. Yes.

Q. When did your father die?

A. Seventeen years ago.

Q. How old was he when he died?

A. Eighty-five.

Q. Where did he live?

A. He lived just under the church?

- Q. At Mamhilad ?
 A. Yes.
 Q. Do you know how long he had lived there ?
 A. All his life-time.
 Q. Did you know your grandfather, his father ?
 A. No, he died when my father was but fourteen years of age.
 Q. Did you know the late William Morgan, of Mamhilad ?
 A. Yes, quite well.
 Q. The uncle of the last William Morgan ?
 A. Yes.
 Q. He lived at Mamhilad house, did he ?
 A. Yes.
 Q. Was your father related to him ?
 A. Yes, he was.
 Q. Were they on intimate terms ?
 A. Yes, always.
 Q. And did you and your father visit at his house—Mamhilad house ?
 A. Yes, we did.
 Q. Have you heard your father speak of the family of the late William Morgan, of Mamhilad house ?
 A. Yes.
 Q. What have you heard him say as to his family ?
 A. I have heard him speak of his father and two sisters.
 MR ALEXANDER. That will not do.
 MR JUSTICE WILLES. No, you cannot establish the relationship in that way ; you must lay a foundation for it.
 MR GRAY. Did you ever hear William Morgan, of Mamhilad house, speak of the relationship between your family and his ?
 A. Yes, he always considered my father one of the family.
 Q. What did you hear him say ?
 A. I heard him say no more than that he always considered my father as one of the family.
 MR JUSTICE WILLES. What did he say ?
 A. He always considered my father as one of the family, and always treated him so, but he was not a near relation.
 Q. Did he ever say anything as to how near a relation he was ?
 A. No, he did not. That he was descended from one of the family.
 MR GRAY. Is that all you have heard him say about it ?
 A. Yes.
 Q. That he was descended from one of the family ?
 A. Yes.
 Q. I am asking what you have heard William Morgan, of Mamhilad house, say about it ?
 A. That he considered him as one of the family.
 Q. Who did he consider as one of the family ?
 A. My father.
 MR ALEXANDER. Does your lordship think that this is enough to admit declarations ?
 MR JUSTICE WILLES. Descended from one of the family, she says.
 MR GRAY. I understand you to say you heard William Morgan, of Mamhilad house, say that he considered your father was descended from one of the family ?
 A. Yes.
 Q. Do you recollect his saying anything else about the relationship ?
 A. No, nothing else.

MR JUSTICE WILLES. I think, Mr Gray, that you will get yourself into a very dangerous position if you follow this up; this is merely expressing a conjecture as to his being a member of the family. It is not a statement that he was so. I never heard or read even of a statement of that kind being given in evidence. It is a very different thing from saying, "so and so is my cousin." To admit such evidence would be carrying the rule of hearsay evidence much beyond the point to which it has hitherto been carried.

MR GRAY. Did you ever hear William Morgan, of Mamhilad house, himself, say anything about his family?

A. I heard him speak of the Nicholls—that they were his nearest of kin.

Q. What did you hear him say?

A. That they were his nearest of kin. I heard my father say the same.

Q. I can only ask you what Mr Morgan, of Mamhilad house, said?

A. He said that the Nicholls were his nearest relations.

Q. What was he talking about?

A. I often came there to visit him.

Q. Have you heard him say anything else besides that?

A. No.

Q. Nothing more particular than that?

A. No.

Q. Did you know the late John White, of Pontypool?

A. Yes, I did, well.

Q. Did you ever hear Mr Morgan, of Mamhilad house, speak of John White?

A. Yes, I have heard him speak of him.

Q. What did he call him?

A. He called him cousin.

Q. Did you know the late Mrs Rogers, the mother of Mrs Nicholl?

A. Yes, I have seen Mrs Rogers once.

Q. Where was she when you saw her?

A. At Mamhilad.

Q. Was she visiting any one there?

A. She was visiting at Mr Morgan's.

Q. Was Mrs Nicholl there at the same time?

A. Not at the same time.

Q. Have you seen Mrs Nicholl visiting there?

A. Yes, I have, several times.

Cross-examined by MR ALEXANDER.

Q. Your father died at a great age I think you say?

A. Eighty-five.

Q. What had he been during his life?

A. A farmer, he lived upon a farm.

Q. A moderate farm?

A. Yes, his own farm. It might be worth 60*l.* or 70*l.* a-year.

Q. I do not know whether you are married or not?

A. No.

Q. Did you continue with your father?

A. All my life-time.

Q. Was the Mr Morgan, of Mamhilad, of whom you have been speaking, married?

A. No.

Q. The William Morgan, of Mamhilad house, of whom you have been speaking, was the brother of John Morgan I suppose.

A. Yes.

CAPTAIN CHARLES BIRD sworn. Examined by
MR WHATELEY.

Q. I believe, I see you were formerly in the army?

A. Yes.

Q. How old are you?

A. Sixty-nine.

Q. Did you formerly live in the parish of Goitre?

A. Yes.

Q. Is that the next parish to Mamhilad?

A. It adjoins Mamhilad.

Q. Have you been on terms of intimacy with the Morgan and the Nicholl family?

A. All my life.

Q. Did you know the late Mr Morgan, of Mamhilad?

A. Perfectly well.

Q. And the late Mrs Rogers also?

A. Yes.

Q. Did you visit at their houses?

A. Yes, I visited at their houses.

Q. Did you ever see any of the Morgan family at Mrs Rogers's house before the marriage of their daughter with Mr Nicholl?

A. Yes, repeatedly.

Q. Did you know also Miss Rachel Morgan?

A. Yes, perfectly well.

Q. She was sister to Mr William Morgan?

A. She was sister to Mr William Morgan and Miss Anne Morgan.

Q. Did you ever hear them call Mrs Rogers by any name?

A. "Aunt" always; "Aunt Rogers" always, never by any other name.

Q. And Mrs Nicholl?

A. She called Mr Morgan of Mamhilad uncle, and the others cousins.

Q. Do you remember hearing Miss Morgan, after the death of her brother William and her sister, saying anything about the Nicholls?

A. I heard her say when I was there in February, the year before she died, that they were the nearest relations to her, when we were talking of the family as we were in the habit of doing very often when we met. She said they were the nearest relations to her.

Q. Did you ever hear any of the Morgans that you knew speak of the Morgans of Groeslanfro?

A. I never heard their names.

Q. Or of any other Morgans?

A. Or of any other Morgans.

A JUROR. Will your lordship allow the jury to have a copy of the pedigree?

MR JUSTICE WILLES (to Mr Alexander). Have you a copy without the red ink?

MR SERJEANT PIGOTT. No, my lord. We can cut the red ink off.

MR JUSTICE WILLES. You had better send it altogether.

MR SERJEANT PIGOTT. We are all agreed about the red ink.

MR JUSTICE WILLES. You had better hand the whole to the jury.

[A copy of the plaintiff's pedigree is handed to the jury by

MR SERJEANT PIGOTT.]

MR WHATELEY. One of ours had better go to the jury also?

MR JUSTICE WILLES. Yes.

[A copy of the defendant's pedigree is handed to the jury by

MR WHATELEY.]

MR WHATELEY. It is quite understood that we have each of us put the red ink on, out of compliment to the other side.

MR JUSTICE WILLES. The red ink is merely intended to show what is alleged by the other side. The black ink in this one (the plaintiff's pedigree), is what is alleged by the plaintiff to the other, as Mr Nicholl's pedigree.

GEORGE WHITLOCK NICHOLL, Esq., sworn. Examined by
MR WHATELEY.

Q. I believe you are brother to the defendant in this cause?

A. Yes.

Q. And a barrister?

A. Yes.

MR JUSTICE WILLES. You have been in court, have you not, during a part of these proceedings?

A. I have been in court during the last part of Margaret Morgan's evidence.

MR WHATELEY. It was my fault.

Q. You are a barrister?

A. Yes.

Q. We have had I believe the date of your mother's death. When did she die, do you know?

A. She died in February, 1850, the 19th, I think.

Q. Do you remember making any inquiry of your mother shortly before her death, as to her relations the Morgans?

A. Yes, I asked her for the purpose of ascertaining her heirship to the Morgans, what the state of the pedigree between her and them was.

Q. Do you remember asking her anything about her grandmother?

A. Yes.

Q. What was that as to any brothers?

A. She clearly recollected that her grandmother, that is my mother's grandmother, had only one brother. My mother said that her grandmother had one brother and two sisters.

MR JUSTICE WILLES. "My mother said that her mother said that her grandmother said," what?

MR WHATELEY. That is not the way the witness stated it my lord, "my mother told me she clearly recollected that her grandmother had one brother and two sisters."

Q. After that, do you remember making the same inquiry of the late Miss Morgan?

A. Yes.

Q. How long afterwards was that?

A. It was in the year of the exhibition.

Q. That was in 1851, as we all know. Did she give you any information as to what she had heard about the relationship?

A. Yes, she said that her grandfather had three sisters and no brother.

Q. That her grandfather had two sisters and no brother?

A. Three sisters.

Q. I beg your pardon, it was my mistake. Do you remember Miss Morgan saying anything about some poor relations that she had?

A. Yes.

Q. On the mother's side?

A. She told me of her intention to provide for her poor relations, and she specified a number of them, a great number, I should think seven or eight.

Q. Of what name?

A. Of the name of Jones.

Q. And that she intended what?

A. She had intended to make a settlement; she was about to settle her property; she and her sister were. She was telling me the way in which she intended to settle it, and of her intention to give certain gifts to different people, and to provide for her poor relations.

Q. On which side?

A. On her mother's side; the only poor relations that she had.

Q. Did she mention at that time any of the Morgans of Groeslanfro, or anything of that sort?

A. Not anything.

Q. Did you ever hear her speak, or did you ever hear before this controversy began, of any relations at Groeslanfro?

A. No; the only poor relations that she had were these people on the mother's side.

Cross-examined by MR ALEXANDER.

Q. How do you know that?

A. I mean the only poor relations that she spoke of.

Q. How old are you?

A. Forty-one.

Q. When was it that you had the conversation with your mother of which you have been speaking.

A. It was in the year 1849.

Q. That must have been some time prior to her decease?

A. About eight or nine months before.

Q. I think your father told us that she died in 1849.

A. I think she died in 1850.

Q. He told us 1849.

A. No; she died in 1850.

Q. Then your father was mistaken—He said "my wife was Eleanor Bond, I married her in 1807, she died in 1849."

A. If she died in 1849 it was about ten months before her death.

Q. Just tell the Jury what it was that you said to your mother—give us question and answer if you please.

A. I can hardly do that.

Q. I am afraid I must ask you to charge your memory so far as to do it, because that is the only way in which we can arrive with

accuracy at a knowledge of what took place—what did you say to your mother?

A. I told her that I wished to understand how she was related to the Morgan family as their heir apparent; those were not my words, but I explained that to her.

Q. That was the effect of what you said to her?

A. Yes.

Q. You told her you wished to know how she was related to the Morgan family so as to be their heir apparent.

A. Yes.

Q. What reply did she make to that?

MR JUSTICE WILLES. Did you say "so as to be heir apparent;" did you use that expression?

A. I do not know—my motive for questioning my mother was—

MR ALEXANDER. I am not asking you as to your motive for questioning your mother—what did she say in reply to your question?

A. She then in reply to questions from me told me of her mother being the daughter of Elizabeth Morgan.

Q. What were the questions from you—you say she told you in reply to questions from you that her mother was the daughter of Elizabeth Morgan; how can that be; did she tell you that her mother was the daughter of Elizabeth Morgan?

A. That her mother's mother married John Morris.

Q. You first of all told us that she said her mother was the daughter of Elizabeth Morgan?

A. Yes.

MR JUSTICE WILLES. Did she tell you that?

A. Yes; she told me that her mother was the daughter of Elizabeth Morgan who married John Morris.

MR ALEXANDER. Did she say that—that Elizabeth Morgan who married John Morris was her mother?

A. Her mother's mother.

Q. What was the question of yours to which she gave that reply; you prefaced it by saying, "In reply to a question of mine she said that her mother's mother was Elizabeth Morgan who married John Morris."

A. Yes; I asked her what her mother's mother's name was.

Q. And was it in reply to that that she said her mother's mother's name was Morris?

A. Her mother's mother's name was Elizabeth, who married John Morris, and I asked her the names of Elizabeth her grandmother's sisters.

Q. Did you know that Elizabeth had had sisters?

A. Yes; and she had said that their names were Anne and Mary.

Q. What did you ask her next?

A. I asked her if there was any brother besides William.

Q. Who was William?

A. William was the grandfather of Miss Morgan of Pantygoitre.

Q. And what did your mother say to that?

A. She said there were none.

Q. Your mother stated that there were none?

A. Yes.

Q. Why did you ask her if there were any other brothers besides William?

A. To ascertain whether she was the heir or not.

- Q. Whether who was the heir ?
 A. My mother.
 Q. Heir to whom ?
 A. To the Morgans ?
 Q. At that time what members of the Morgan family were alive ?
 A. Rachel Morgan the intestate and her sister Anne.
 Q. Was William Morgan dead ?
 A. Yes.
 Q. What age was your mother when she died ?
 A. Seventy-three or seventy five—I forget which.
 Q. Your mother I am speaking of.
 A. Yes ; my mother.
 Q. Are you the Mr Nicholl who went with your father to take possession of the premises on the night of the intestate's death ?
 A. Yes.
 Q. Your father has only two sons I believe—the defendant and yourself.
 A. Three sons.
 Q. Did you assist in the examination of the paper ?
 A. No, I did not—I looked at them at different times, but I never looked at the whole of them.
 Q. By whom was the examination of the papers made ?
 A. By Mr Waddington chiefly.
 Q. That implies that somebody else was employed in their examination ?
 A. My father.
 Q. Have you assisted in the examination of them also ?
 A. I have, but not much. I have not seen so much of them as they have.
 Q. Are you a practising barrister ?
 A. I have not practised for the last few years.
 Q. Had you been living in the neighbourhood of Usk ?
 A. Yes, in the neighbourhood of Usk.
 Q. The poor relations of whom Miss Morgan spoke were on the mother's side always ?
 A. Yes.
 Q. Her mother was a Miss Jones, was she not ?
 A. Evans.
 Q. But she spoke of her poor relations on the mother's side ?
 A. Yes.
 Q. Who were the Jones's, who were the relations on the mother's side ?
 A. I believe that her aunt married a Jones.
 Q. Do you mean her mother's sister ?
 A. I believe so.
 Q. You do not know it ?
 A. I do not know it as a fact, but as a matter of gossip.
 Q. You do not know it ?
 A. I say I do not know it as a fact.*

* The evidence of this witness, of Mary Morgan, of Thomas Jenkins, and Mrs Sarah Pursell, merely repeated facts proved by the documentary evidence.

MISS ELEANOR ANNE NICHOLL sworn. Examined by
MR KEATING.

- Q. You are sister to the defendant?
A. Yes.
Q. Were you well acquainted with Miss Rachel Morgan?
A. Yes.
Q. You knew her for many years before her death, did you not?
A. Yes, all my life.
Q. Were you in the habit of visiting her?
A. Yes.
Q. During that intercourse do you recollect having any conversation at any time with Miss Morgan upon the subject of Mr William Morgan, her brother?
A. Yes.
Q. Was that after his death?
A. Before his death.
Q. He was unmarried, I believe?
A. Yes.
Q. What was the conversation that you had with her relating to her brother William Morgan, who was unmarried?
A. She told me once that my mother was their male heir?
Q. What did you say to that?
MR JUSTICE WILLES. Was this before or after her brother's death?
A. Before.
MR KEATING. She told you that your mother was their male heir?
A. That she was their male heir. I asked her how a woman could be a male heir?
Q. Naturally enough. What did she say to that?
A. She said that my mother was her nearest relation on her father's side.
Q. Do you remember after the death of your mother Miss Morgan speaking to you of any of her intentions with reference to her property?
A. Yes, she did.
Q. Do you recollect what she told you?
A. Yes, perfectly well.
Q. What did she tell you?
MR ALEXANDER. I suppose this is to lead up to some declaration about pedigree?
MR KEATING. In effect it is.
MR JUSTICE WILLES. If it be, it will be in evidence, if not it will not.
MR KEATING (to the Witness). What was it that she said?
A. She said she must take care to make a will, for if she did not all she had would go to my elder brother—my brother Iltyd.

Cross-examined by MR SERJEANT PIGOTT.

- Q. When was this conversation? When did it take place?
A. Do you mean the first or second?
Q. The first.
A. I do not know the year, but it was before Mr Morgan's death. I cannot tell the year.
Q. How long before his death?
A. It might be two or three years, but I do not know exactly.

- Q. Do you know when he died?
 A. I am not certain.
 Q. Tell me as nearly as you can remember, was it in 1848?
 A. I am sure I do not know—I do not remember dates.
 Q. Did she say that your mother was her male heir?
 A. Not then; she said, "Your mother is our male heir."
 Q. What were you talking about at the time?
 A. We were talking something about her property, but I do not quite remember what it was; what struck me was the expression about a woman being a male heir.
 Q. What was it that led up to her using that expression?
 A. I cannot remember what we were talking about at the time.
 Q. She had no property, had she?
 A. Yes; I believe so.
 Q. During her brother's life?
 A. I do not know.
 Q. You say you believe so?
 A. I do not know.
 Q. She was not talking about leaving her property to any one at that time?
 A. No.
 Q. Her brother was in a good state of health at that time, I suppose?
 A. Yes.
 Q. And was she in a good state of health too?
 A. Yes.
 Q. And her sister Anne?
 A. Yes.
 Q. They were all in a good state of health?
 A. Yes.
 Q. How old was she at the time of this conversation?
 A. I do not know at all.
 Q. Do you not recollect at all what you were talking about at the time she said what you have told us?
 A. I do not know. I only recollect that the expression "male heir" struck me at the time.
 Q. Did you ask her anything about who was her male heir?
 A. No.
 Q. Did it strike you that it was rather an abrupt conversation?
 A. No; it struck me as being a very odd expression.
 Q. But did the conversation come upon you rather by surprise?
 A. I do not remember that.
 Q. Can you tell how many years it is ago?
 A. No; I cannot.
 Q. As nearly as you can recollect?
 A. I cannot pretend to say.
 Q. Can you tell us within some five years?
 A. It might be three or four years before Mr William Morgan died.
 Q. But I want the Anno Domini?
 A. I cannot give you that.
 Q. Not with reference to any event?
 A. No; not the first conversation.
 Q. Could you not tell within ten years from this time?
 A. No; I cannot.
 Q. Or whether it was ten years ago?
 A. No, I really cannot tell.

- Q. Was it twenty years ago?
 A. I do not know.*
 Q. Now we will go, if you please, to the second conversation.
 What did she say upon the second occasion?
 A. She said she must take care to make a will or that all she had would go to my elder brother Iltyd.
 Q. When was that?
 A. That was in 1851, the year of the Great Exhibition.
 Q. Was she very well at that time? Was she in very good health?
 A. Yes; she was in her usual health.
 Q. That was pretty good, I suppose?
 A. Yes.
 Q. How was her sister Anne at that time?
 A. She was in her usual health.
 Q. Was it during, or after, or before the Exhibition?
 A. Before the Exhibition.
 Q. Then Anne was alive and well, was she?
 A. Yes.
 MR KEATING. I suppose you did not make any memorandum of this?
 A. No.
 MR SERJEANT PIGOTT. What led up to that conversation?
 A. She had intended to leave part of the property by will to my second brother.
 Q. Did she say so?
 A. Yes; and she said that, if she did not make her will, Iltyd would take it all.
 Q. Did she mention that of her own accord?
 A. Yes.
 Q. You say that at that time her sister was very well?
 A. Yes, in her usual health.
 Q. Did you know the age of her sister at that time?
 A. No.
 Q. How soon did her sister die after that?
 A. About two or three years, I suppose.
 Q. Did you hear of the sister's death?
 A. Oh, yes.

* When it is seen that a witness is properly anxious to abstain from stating a fact not within his or her knowledge, the above course of examination is sometimes resorted to in order to catch the witness in an error. In the confusion of a moment it may succeed. Do counsel, in such cases, think that they themselves gain in the estimation of bystanders? The sympathy of the audience is with the witness. This course of examination is called "the junior's dodge," and was tried by Counsellor Skimpin, in the examination of Winkle, during the celebrated trial of *BARDSELL v. PICKWICK*, reported by Mr Dickens. "How often?" said the Witness. "Yes, Mr Winkle, how often? I will repeat the question to you a dozen times if you require it." On this question there arose the edifying brow-beating customary on such points. First of all, Mr Winkle said, it was quite impossible for him to say how many times he had seen Mrs Bardell. Then he was asked if he had seen her twenty times? to which he replied, "certainly—more than that." Then he was asked if he had not seen her a hundred times—whether he could not swear he had not seen her fifty times—whether he did not know he had seen her seventy-five times—and so forth; the satisfactory conclusion which was arrived at, at last, being, that he had better take care of himself, and mind what he was about. The witness having been, by these means, reduced to the requisite ebb of perplexity, the examination was continued. Do gentlemen of the bar think the dodge should be used when it would be shameful to entertain a hostile feeling towards a witness superior in every moral quality to themselves?

Q. And you are sure it was as long as two or three years before Anne's death or thereabouts.

A. Thereabouts, I cannot be sure.

Re-examined by MR KEATING.

Q. What conversation are you speaking of now?

A. The second conversation.

Q. That was in the year of the Great Exhibition?

A. Yes.

Q. How long was that before Miss Anne's death?

A. About two years it might be—I am not sure.

Q. Do you recollect the year in which she died?

A. No, I do not recollect in what year she died.

THOMAS JENKINS sworn, and examined by Mr GRAY.

Q. Are you tenant of the Mamhilad estate?

A. I am.

Q. How long have you been tenant?

A. Thirty-nine years.

Q. Was your uncle tenant with you?

A. No, I was with him.

Q. Do you mean that you have been tenant yourself for thirty-nine years, or you and your uncle together?

A. I have been tenant thirty-nine years.

Q. Formerly was William Morgan of Mamhilad your landlord?

A. He was.

Q. Did you or your uncle apply to him on one occasion to repair the house?

A. My uncle did.

Q. Were you present?

A. I was not present at the time.

Q. You were not present at the time of the application?

A. No.

Q. Do you remember Mr Morgan coming to look at the repairs?

A. Yes.

Q. Upon that occasion did you hear a conversation take place between your uncle and Mr Morgan?

A. Yes.

Q. How long ago is that? Do you remember about?

A. About twenty-six years.

Q. Do you remember how long it was before William Morgan's death.

MR ALEXANDER. It was twenty-six years ago is what he has just said.

MR GRAY. Was it before or after William Morgan's death?

A. About twelve months before his death.

Q. What was it that you heard pass between them? Do you remember?

A. Yes; he told my uncle "I do lay out a good deal of money upon this place; I cannot repair the house; it might not be long for me; it will be for my nephews."

Q. Who spoke about laying out a deal of money?

A. The Squire, Mr Morgan.

MR JUSTICE WILLES. And that after it would be for whom?

A. For William Morgan.

Q. His nephew?

A. Yes.

MR GRAY. Did he say anything more?

A. Yes; "I have laid out a good deal of money on the farm, and perhaps after your death I shall not stop here for many years," and then he said it would go to his nephew. "Where is your property to go afterwards if I may be so bold as to ask," my uncle asked.

MR ALEXANDER. That is not a declaration as to pedigree; it might go by will or deed of gift.

MR JUSTICE WILLES. It is bad law; it is a statement of a bad legal opinion.

MR GRAY. Did you speak to Miss Morgan some time before her death?

A. I spoke to her about six years ago.

Q. Did you make any allusion to her death?

A. She told me she had been very poorly. "It would be a great loss, if we were to lose you, for we tenants," I told Miss Rachel Morgan.

Q. You told her that if she was to go it would be a great loss for you tenants?

A. Yes.

Q. Did you say why it would be a great loss for you tenants?

A. She gave me an answer "No; my property will go to very respectable people again."

MR ALEXANDER. That again will not do.

MR JUSTICE WILLES. No.

MR GRAY. It is evidence, we claiming under Rachel Morgan.

Q. What did she say—did she say anything more?

MR ALEXANDER. We object to that—his lordship has intimated an opinion that is not evidence.

MR GRAY (to Mr Alexander). Has his lordship intimated an opinion that what is coming is not evidence?

Q. Did she say anything about the ending of the family?

A. No; she did not.

Q. Did she say anything about her own family?

A. She said she had no nearer relation to leave her property than Mr Nicholl.

Cross-examined by Mr ALEXANDER.

Q. I think I heard you say that at the time Mr Morgan came to look at the repairs of your farm it was about twenty-six years ago?

A. Yes; I cannot say the time particularly, it might be a little longer.

Q. But somewhere about twenty-six years ago?

A. Yes.

Q. Which Mr Morgan was it; Mr William, was it not?

A. Yes; Mr William Morgan.

Q. Was your uncle a married man?

A. He was.

Q. I suppose he is dead?

A. Yes.

Q. When did he die; how long ago is it since he died?

A. It is about twenty-three years.

Q. How long ago before his death was it that Mr William Morgan came to look at the repairs?

A. It may be four or five years.

Q. That would bring it to twenty-seven or twenty-eight years ago?

A. Yes; I cannot say particularly.

Q. You are sure your uncle died twenty-three years ago?

A. Yes.

Q. Have you any particular recollection in what year your uncle died?

A. No; I have not.

MRS SARAH PURSELL sworn. Examined by MR WHATELEY.

Q. I believe you keep a shop at Pontypool?

A. Yes.

Q. Some years ago were you servant to Mrs White?

A. Yes.

Q. Was she the widow of the late Mr John White?

A. Yes.

Q. We understand that Mr White died before his wife, and had no children?

A. Yes; he had no children.

Q. Do you remember Mrs White's dying.

A. Yes.

Q. In what year was that?

A. I think 1830, in November.

Q. Do you remember whether Mr Morgan attended the funeral?

A. Yes.

Q. As a mourner?

A. Yes.

Q. Did he give you any instructions as to inviting any persons to the funeral?

A. To George Pursell, my husband since.

Q. In your presence?

A. Yes; he wished him to write to Mr and Mrs Nicholl, as he had no other relative to come to the funeral. He wished him to write to him?

Q. And they were invited and came?

A. Yes; they came.

Q. Did you hear any conversation after dinner about the relationship?

A. Yes.

Q. What was that?

A. I heard Mr Morgan say they came to the funeral out of the respect which his cousin Mr Nicholl and him had for Mr White.

MR ALEXANDER. This is certainly no declaration as to pedigree.

MR WHATELEY (to the Witness). Did he mention Mr White and call him his cousin do you say?

A. Yes.

Q. Out of respect for his cousin Mr White?

A. Yes; that he came to the funeral and his cousin Mr Nicholl, that they came to the funeral out of the respect that they had for their late cousin Mr White?

- Q. Was anything said about any other relations?
 A. No; I never heard anything mentioned about other relations.
 Q. Was it stated on what side the Nicholls were related?
 A. Yes; that Mrs Nicholl was a cousin to Mr White on his mother's side.

JOHN EASTUB sworn. Examined by MR KEATING.

- Q. Are you a carpenter living at Llanvair?
 A. Yes.
 Q. Did you work for the late Mr William Morgan?
 A. Yes.
 Q. Was that William Morgan the brother of Miss Rachel?
 A. Yes.
 Q. How long did you work for him?
 A. Thirteen years.
 Q. Did you know the Nicholl family?
 A. I only knew them as was there.
 Q. Did you know Mr Iltyd Nicholl?
 A. Yes; he used to be there very frequently.
 Q. Did you ever hear Mr Morgan say anything with reference to any relationship to the Nicholls?
 A. Yes.
 Q. What did he say?
 A. I asked him, on the third day before he died, whether he had ever settled his affairs; and he said, "No, John."—"How is that?"—"I do not know," he said.
 Q. You said, "How is that?"
 A. Yes.
 Q. What did he say?
 A. He said that Mr Nicholl was the next heir to their property after their days.
 Q. Where was this?
 A. On his dying bed, three days before he died.

Cross-examined by MR SERJEANT PIGOTT.

- Q. Were you paid wages?
 A. Yes.
 Q. Weekly wages as a carpenter?
 A. Yes.
 Q. And lived in a house of your own?
 A. Yes.
 Q. Are you a married man?
 A. Yes.
 Q. What took you into Mr Morgan's bed-room? How came you there when he was in his dying bed-room?
 A. I was for the last eighteen months looking after him.
 Q. Who told you to look after him?
 A. Himself. I used to go in and shave him every morning and night, when it was convenient.
 Q. And did you shave him three days before he died?
 A. I shaved him every day before he died.
 Q. Up to the day of his death?
 A. Yes; and I was with him to the day of his death.

- Q. Did his sisters attend upon him?
 A. Yes.
 Q. How long was he ill before he died?
 A. Eight days.
 Q. Had he any female nurse?
 A. No; only a woman sitting up along with his sister and me at night.
 Q. Did his sister sit in his room a good deal during his illness?
 A. Yes.
 Q. Were they in the room when you began asking him about his affairs?
 A. No; nobody, only myself.
 Q. What time in the day was it?
 A. About three o'clock in the evening.
 Q. What had you been talking about before?
 A. Some few things; very little.
 Q. You thought you would have a little bit of talk with him about his worldly affairs?
 A. He turned his head and looked at me, and I asked him if he wanted anything?
 Q. Well, and then you broke into the question of the settlement of his affairs?
 A. Yes.
 Q. Did you expect to have anything left to you?
 A. No.
 Q. Had he any doctor?
 A. Yes; Mr Steel of Abergavenny, and Mr
 Q. He had two doctors?
 A. Yes.
 Q. Did any clergyman come to see him?
 A. There had not been ne'er a one for the last few days.
 Q. Had there been one before that?
 A. Not in the house. Mr Lewis had been with him on the Saturday.
 Q. Did anybody tell you to ask him whether he had settled his affairs?
 A. No.
 Q. Did you think it a bold thing to do?
 A. I do not know. We were talking very often about different things, and I made that boldness to ask him, seeing things were going rather worse.
 Q. What made you say, "How is that?" when he said, "No, John"?
 A. Because I thought it most likely he would wish to have them settled.
 Q. You did not suggest to him to send for anybody to make his will?
 A. No.
 Q. Did you want him to make a will?
 A. He did not tell me nothing more than I have told you.
 Q. What made you talk to him about his affairs?
 A. Because I asked him.
 Q. Did you want him to have them settled?
 A. I thought he would, by that reason.
 Q. He had no children to leave anything to?
 A. No.

Q. Did you know that his sisters would have his property when he died?

A. Yes; he always said they should.

Q. Did you want him to give it to anybody else?

A. No.

Q. You knew he had two sisters alive who would take the property?

A. Yes; living in the house.

Q. Did you tell them you had mentioned the subject to him?

A. No.

Q. Had you had your dinner at that time?

A. Yes.

Q. What did he say about Mr Nicholl?

A. That he was the nearest heir after their days.

Q. Which Mr Nicholl had you seen there?

A. The young one—Mr Iltyd Nicholl.

Q. Do you mean the present defendant?

A. Yes.

Q. Had you not seen his father there?

A. Yes.

Q. He is the same name?

A. The same name.

Q. How old was young Mr Iltyd Nicholl when you used to see him there?

A. I cannot say how old he was.

Q. When did your master die?

A. Thirteen years ago the 4th of next June.

Q. Do you know the year?

A. I did not take notice of it. It is thirteen years ago the 4th of next June. He died on Whit-Sunday.

WILLIAM HUNTER LITTLE, Esq., sworn. Examined by
MR GRAY.

Q. I believe you are a magistrate for this county?

A. Yes.

Q. Did you reside in the neighbourhood of Pantygoitre for several years before the death of Miss Rachel Morgan?

A. Yes; upwards of twenty.

Q. Were you acquainted with her?

A. Intimately.

Q. And used to visit her?

A. Yes.

Q. Do you remember any particular occasion on which she spoke to you about the Nicholls of Usk?

A. Yes, I do.

Q. What did she say?

A. We were speaking of the families in the neighbourhood. I had recently come into it, and among different families she named Mr Nicholl's family of Usk, and added, "They are our nearest relations."

Q. Do you remember about how long that was before her death?

A. It is several years ago—certainly from sixteen to twenty.

Q. Have you seen the Nicholls there?

A. Yes; subsequently to that.

Cross-examined by MR ALEXANDER.

- Q. When was it that you had this conversation with her ?
 A. It was prior to the year 1840, when I was in the neighbourhood.
 Q. And her brother was still alive ?
 A. He was alive.
 Q. And was her sister Anne alive ?
 A. Yes.
 Q. They were all three living together ?
 A. Yes ; I do not think Miss Anne was living there at that time, but she was alive—she was absent for some years, I think, about that time.
 Q. But she was alive ?
 A. She was alive.

MR HENRY PHILLIPS sworn. Examined by MR KEATING.

- Q. Are you the manager of the Monmouth and Glamorgan Bank ?
 A. Not at present.
 Q. Were you some years ago ?
 A. I was.
 Q. Did you know the late Miss Rachel Morgan ?
 A. I did.
 Q. About five years before her death were you employed by her to keep certain accounts for her ?
 A. I was.
 Q. Were you at that time the manager of the bank ?
 A. I was.
 Q. Did you continue to keep her accounts up to the time of her death ?
 A. I did.
 Q. Did you sometimes go to stay at Pantygoitre ?
 A. Occasionally.
 Q. This is to lead up to a question of relationship. Do you remember Miss Morgan making any statement to you with reference to her intentions as to her property ?
 A. I do.
 Q. Upon that occasion did she state anything about the relationship of any persons to her.
 A. She did.
 Q. Just say what that was.
 A. In the course of conversation respecting my management of the account, she referred to Graigwith. She said, " My particular wish is that this should be made plain during my life on behalf of George Nicholl," and then she turned to me and said, " you know of course this," (that is the Pantygoitre property—we were at Pantygoitre then)—" of course this and Mamhilad will go to the eldest son. Their poor mother, my cousin, was my nearest relation."

Cross-examined by MR ALEXANDER.

- Q. How long do you say that was before her death?
 A. About four or five years as far as I can recollect.
 Q. Was it before or after the death of her sister Anne?
 A. After.
 Q. And how long before her own death?
 A. About four or five years I should judge.
 Q. Before her own death?
 A. Before her own death.
 Q. When did you cease to be manager of the bank?
 A. In the year 1851.
 Q. And did you cease to keep her accounts at the same time that you ceased to be manager of the bank?
 A. No; I kept on in her employment.
 Q. For how long after you had ceased to be manager of the bank?
 A. To the time of her death.
 Q. What is your occupation at present?
 A. I am now an oil and iron merchant.
 Q. Where?
 A. At Newport.

MR GEORGE HARRISON sworn. Examined by MR WHATELEY.

- Q. Are you secretary to the Monmouthshire Canal Company?
 A. I am.
 Q. In what year was that company incorporated?
 A. In 1792.
 Q. Have you searched the minute books of the corporation to ascertain whether Mr John Morgan was one of the committee?
 MR ALEXANDER (to the Witness). Do not answer that question at present; I imagine that the books should be produced here themselves; these are books of a private company.
 MR WHATELEY. It is every day's practice to refer to the contents of a book; we could not bring a cart-load of books here.
 MR ALEXANDER. There are exceptions in the case of the Bank of England, but those exceptions do not apply to the case of a private corporation.
 MR WHATELEY (to the Witness). Have you the book here?
 A. I have.
 Q. Now state, if you please, from what year have you examined the book?
 A. I have examined the committee-meeting book of the company from 1792 to the end of 1805.
 Q. Do you find that John Morgan, at that time, was a member of the committee?
 A. His name never occurs.
 Q. Do the names of the other members of the committee appear?
 A. They are at the head of every committee meeting.

Cross-examined by MR ALEXANDER.

- Q. How many members of the committee were there generally ?
 A. They vary from five to eight or nine, apparently, but I did not take particular notice of the numbers.
- Q. Can you say what is the largest number ?
 A. No ; it appeared to me as I searched the book that there were about seven or eight on an average.
- Q. Is it all in one book from 1792 to 1805 ?
 A. Yes.
- Q. Have you the register of shareholders ?
 A. Yes.
- Q. Have you looked over that ?
 A. No ; I have not.
- Q. Did the committee correspond with what are called directors, or was it a committee chosen out of the body of directors ?
 A. No ; the committee of management of the Monmouthshire Railway and Canal Company is the same as the board of directors in other corporations ; they are appointed annually by statute.
- Q. Do you find the name of William Morgan a committee man ?
 A. Yes.
- Q. Does his name occur frequently ?
 A. Yes ; it does.
- Q. When do you first find the name of William Morgan as attending the committee ?
 A. The first occasion on which I find his name is the 2nd of July, 1793.
- A JUROR. The jury would like to know whether John Morgan was not a shareholder though his name does not appear as one of the committee.
- MR ALEXANDER. I asked him that question, and he says he has not searched.
- MR JUSTICE WILLES (to the Witness). Have you got your shareholders' register here ?
 A. I have not.
- MR ALEXANDER. I asked him, and he said he had not searched at all.
- MR JUSTICE WILLES (to the Witness). You cannot tell at all ?
 A. No ; I cannot without referring to it.
- Q. Must they attend in person, or may they vote by proxy ?
 A. At the shareholders' annual meetings they may.
- Q. But at the committee meetings ?
 A. No ; it is a personal attendance.
- Q. They may as shareholders, but not as committee men ?
 A. No.
- MR KEATING. You have an annual meeting, and if there is anything particular, a special meeting ?
 A. Yes ; the meetings are held twice a year by statute.
- Q. You hold two shareholders' meetings, and your committee meet how often ?
 A. They appear at that time, when there was a good deal of business on hand, to have met once a week, and they meet about that time now.

WILLIAM WATERS sworn. Examined by **MR WHATELEY**.

- Q. Where do you live?
 A. At Abercarne.
 Q. What are you by business?
 A. A tailor.
 Q. Do you also keep a public-house?
 A. Yes.
 Q. How long have you kept a public-house there?
 A. About seven years.
 Q. Look at that note (handing a promissory note to the Witness)—do you know the plaintiff in this cause, Jacob Morgan?
 A. Yes.
 Q. Did you see him sign that note?
 A. Yes.
 Q. Was it left in your possession?
 A. Yes.
 Q. Who was present at the time the note was signed?
 A. Thomas Rogers.
 Q. He witnessed it I see, and who else?
 A. And myself, and Jacob Morgan.
 Q. Was Jacob Williams there?
 A. No; he was not there.
 Q. Did Thomas Rogers sign it as a witness?
 A. Yes.
 Q. You say Jacob Williams was not there when it was signed?
 A. No.
 Q. Had you any communication with him before?
 MR ALEXANDER. What have we to do with that?
 MR WHATELEY. Had you, when Jacob Morgan was present, any communication with Jacob Williams upon the subject?
 A. I had.

Cross-examined by **MR ALEXANDER**.

- Q. How long have you kept a public-house at Abercarne?
 A. Seventeen years.
 MR JUSTICE WILLES. What was it left with you for; you say it was signed by Jacob Morgan and left with you—for what purpose was it left with you?
 A. It was left with me until after the trial.
 Q. Well?
 A. So that the witness, Daniel Jones, might clear himself and say that he never received it for his evidence.
 MR ALEXANDER. Daniel Jones, my lord, is not present at this meeting; how is this evidence?
 MR JUSTICE WILLES. But Jacob Morgan is; there is strong proof in Daniel Jones's answers that he did know of it; that answer that he gave, "There is Waters, and there is the note," is capable of but one interpretation I should think.
 MR ALEXANDER. Who wrote this note?
 A. It was I.
 Q. Was it you who wrote the whole of it, except the signatures?
 A. Yes, it was.

Q. I see the name Thomas Rogers is signed underneath the name of Jacob Morgan?

A. Yes.

Q. Did you write the word "witness" here?

A. I did.

Q. By whose request was it that you wrote this note?

A. By Jacob Morgan's.

Q. Did he give you the stamp?

A. No.

Q. Who did?

A. Daniel Jones.

Q. How many stamps did he give you?

A. He gave me two.

Q. Where is the other?

A. I have got it in my possession.

Q. Whose money paid for the stamps?

A. Daniel Jones's.

Q. Now let us see the other, if you please (referring to another promissory note). Did you write this too?

A. Yes.

Q. The whole of it?

A. Except the signatures.

Q. And did you write the word "witness" too?

A. Yes.

Q. Did you write this the same day that you wrote the other?

A. Yes, I did.

Q. And did Jacob Morgan sign it?

A. He did.

Q. Is this written upon one of the stamps that you say you got from Daniel Jones?

A. It is.

Q. Who asked Jacob Morgan to sign this?

A. Sir?

Q. Do not say "Sir," for you heard my question; who asked Jacob Morgan to sign this note?

A. It was I.

Q. And who asked him to sign the other one too?

A. He came there on purpose to sign it.

Q. Did you ask him to sign the note?

A. I did ask him to sign mine.

Q. When was it that you had the stamps—how long before the notes were signed?"

A. About a fortnight.

Q. Had you told Daniel Jones to get the stamps?

A. I told him to get the stamps?

Q. Do not repeat the question, but answer it?

A. No.

Q. How do you know that he got them?

A. Because I went with him to get them.

Q. Did you pay for your own?

A. No.

Q. Have you ever paid Daniel Jones for the money he laid out on the stamps?

A. No, I have not.

Q. How much was paid for the stamps?

A. Nine shillings.

Q. Four shillings for one and five shillings for the other?

A. Yes.

Q. The five shillings was for yours—the largest?

A. Yes.

Q. Where was it that the notes were written?

A. In my workshop.

Q. Is that adjoining your public-house?

A. No, it was up stairs.

Q. It was at your public-house that these notes were written?

A. Yes.

Q. Who brought Jacob Morgan there?

A. He came there himself.

Q. Did you not send for him?

A. No.

Q. Or send a message for him to come there?

A. No.

Q. How did it happen that he came there when you had the stamps for the notes at your public-house without your sending to him, or knowing that he was coming?

A. I went to Daniel Jones down to Bassaleg village; he was to give his evidence there, and Jacob Morgan was to give him 300*l.*, and he would not give his evidence without he would give him a note for the 300*l.*, and in this public-house I mentioned to Jacob Williams that Daniel Jones was not agreeable to give his evidence unless he had the note as he had been promised.

Q. Was Jacob Morgan there?

A. He was to sign the note for Daniel Jones according to promise.

Q. That is no answer to my question.

MR WHATELEY. Let him finish.

MR ALEXANDER. He does not answer any question; my question is how Jacob Morgan came to your public-house while you had the stamps and the two notes drawn up without your having sent for him?

MR WHATELEY. He has told you.

MR ALEXANDER. No, he has not.

THE WITNESS. He said in this public-house that he would come up to sign it.

MR ALEXANDER. You had the notes ready drawn out?

A. I had not drawn them out at all.

Q. When did you draw them out then?

A. When he was present.

Q. And you have kept that note for 500*l.* for yourself ever since?

A. Yes.

Q. Then you were to receive 500*l.* from Jacob Morgan?

A. Yes.

Q. By virtue of that note?

A. Yes.

Q. What day was it that you wrote the notes?

A. I believe it was the 23rd of August.

Q. In what year?

A. 1855.

Q. Is Thomas Rogers here?

A. I do not know.

Q. Is he alive?

A. Yes.

Q. You do not know whether he is here or not?

A. I do not.

Q. Was it you who told Thomas Rogers to sign as a witness?

A. It was not ; Jacob Morgan did wish to have a witness to witness his signature.

Q. The man who was giving the notes was anxious that his signature should be witnessed ?

A. Yes.

Q. That is what you say ?

A. Yes.

Q. And swear ?

A. Yes.

Q. How did you happen to give this note for 300*l.* to Mr Waddington or his clerk ?

A. I never gave it to him.

Q. Who did you give it to ?

A. Nobody till I came here yesterday.

Q. Who did you tell it to ?

A. I did not tell anybody till I was sent for to Mr Waddington's.

Q. When were you sent for to Mr Waddington's ?

A. I believe in November.

Q. Did you tell him then of the note ?

A. I did.

Q. Of your having a note for 500*l.* yourself.

A. I did.

Q. Did you shew him the note for 300*l.* ?

A. I did not.

Q. Or the note for 500*l.* ?

A. I did not.

Q. But you swear that you told Mr Waddington in November last that you had a note for 500*l.* ?

A. Yes.

Q. That you swear upon your oath ?

A. Yes, I will.

Q. Who is your landlord ?

A. Landlady.

Q. What is her name ?

A. Margaret Williams.

Q. Is she a relative of Jacob Morgan the plaintiff ?

A. I believe she is his grandmother.

Q. Has Mrs Williams distrained upon you for your rent ?

A. I was in debt for six months.

Q. Did she distrain upon you for it ?

A. Yes.

Q. How much were you in arrear ?

A. I was not in arrear ; six months was due to her.

Q. Had Mrs Williams also to take proceedings against you in the County Court ?

A. She did.

Q. To get possession of her property ?

A. Yes.

Q. Which you refused to give up ?

A. I did so.

Q. Who was present when you told Mr Waddington in November last that you had the note for 500*l.* ?

A. No one but Mr Waddington.

Q. You did not show it to them then ?

A. No ; I did not.

Q. Did he ask to see it ?

A. No ; he did not.

Q. Nor the note for 300*l.* either?

A. No.

Q. When you told Mr Waddington you had a note for 300*l.*, and a note for 500*l.*, as you state, he did not ask to see either the one or the other?

A. He did not.

Re-examined by MR WHATELEY.

Q. You say there was an interview which you had with Jacob Williams when Jacob Morgan was present?

A. Yes: at Bassaleg. I said to Jacob Williams that Daniel Jones was not agreeable to give his evidence unless he should have a promissory note, according to promise, for the amount of 300*l.*; and he said he should have it that day, and he asked if we had the stamps. I said, "We have."

Q. Who said he should have it that day?

A. Williams; and then we waited a long time. I went to see for him, and he was engaged, and he said, "Well, leave it now, and Jacob Morgan and myself and William will come up on Thursday, and call at your house, and we shall give you the note then." Daniel Jones came to my house on the Thursday; Williams of Brynmaur came up to Abercarne.

MR ALEXANDER. I do not see how this arises out of my cross-examination.

MR JUSTICE WILLES (to the Witness). What did you get the 500*l.* for?

A. I had been about looking for evidence for him, and different things as he wanted; and he said he had given 500*l.* to another person, and he would give the same to me.

Q. Who was that other person?

A. Williams of Brynmaur. I believe he is present here. He said he had given him 500*l.*, and that he would do the same by me.

MR JUSTICE WILLES. What is the Christian name of Williams of Brynmaur?

A. D. R. Williams, I believe.*

REV. ILTYD NICHOLL sworn. Examined by MR WHATELEY.

Q. You are, I believe, the defendant in this cause?

A. I am.

Q. That is all I have to ask you.

Cross-examined by MR ALEXANDER.

Q. Are you the person who had the memorandum? You are put into the box, in obedience to a suggestion from my lord, to be asked about the memorandum which has been lost. Was it in your possession?

A. I should like to see it.

Q. So should we.

A. I remember making the memorandum.

* The Welsh Interpreter in this action. Refer to pages 12, 18, &c. See page 158.

Q. You have heard Mr Waddington state to-day that he gave it to you at his office.

MR WHATELEY. No; to his father. This is the gentleman who made the memorandum.

MR ALEXANDER. Did you make the memorandum?

A. Yes.

Q. Is this (referring to the paper before produced) the memorandum that you made?

A. It is.

Q. Is that your handwriting?

A. This is my handwriting.

Q. And is the endorsement your handwriting also?

A. Yes.

Q. When did you write either the endorsement or the body of it?

A. I cannot remember exactly the time, but it was soon after the draft of the deed of gift was found.

Q. When was the draft of the deed of gift found, according to your recollection?

A. I do not remember, only from what I have heard to-day.

Q. There was a memorandum, you say, at the bottom of that made after the deed of gift was found. Do you know anything of that memorandum, which Mr Waddington says went with this to your father?

A. I only remember the fact of having made a memorandum.

Q. You did make a memorandum at the bottom of this, which was on a piece of paper connected with that?

A. No; it was on a separate piece of paper, I remember.

Q. Was it at one time connected with this, as Mr Waddington has told us?

A. I cannot remember.

Q. When was it you last saw this?

A. I have not seen it since I made it, till the other day.

Q. Where did you make this memorandum?

A. I do not remember, I have made so many.

Q. Can you recollect the separation of that memorandum from this paper?

A. I remember nothing more than I have said.

Q. Can you recollect the separation of the memorandum which was at the bottom of this from the paper?

A. I cannot.

Q. Can you recollect what the size of the paper was when the memorandum was on it?

A. I have not the least recollection of it, except the fact of having made it.

Q. What was the memorandum, then, as you say it cannot be found?

A. It was a memorandum of the deed of gift, I believe it is termed, on the marriage of William Morgan the younger.

Q. But was it made before you found the draft of the deed of gift?

A. No; it was made from the draft of the deed of gift.

Q. How long before you made the memorandum was the draft of the deed of gift found?

A. Not long.

Q. How long?

A. It may have been a day, or it might be two or three days, or it might have been the same day.

Q. Did you find the draft of the deed of gift?

A. I did not.

Q. Who handed it to you?

A. I believe it was my father.

Q. And what did you do with it, after perusing the draft deed of gift?

A. I believe it was returned to him.

Q. Cannot you tell the jury whether it was or not?

A. I cannot undertake to say.

Q. At the time your father shewed you the draft of the deed of gift, did he show it to Mr Waddington too?

A. No, he did not, I think.

Q. Was Mr Waddington there when your father shewed it to you?

A. No.

MR WHATELEY. We have here, my lord, the extract from the Register of the Consistory Court of Llandaff, which your lordship said you would postpone.

MR JUSTICE WILLES. My impression is that it is receivable, but I think it is perilous.

MR WHATELEY. It is utterly unimportant.

MR JUSTICE WILLES. My own impression is that it is admissible, but it would be a pity to run any risk.

MR WHATELEY. I will not press it.

MR JUSTICE WILLES. There may be a question about it. There is a case in 4th Barnewall and Adolphus, where it appears that an account of that kind is not evidence against an executor. You only put it in for the purpose of proving the amount. You get into a difficulty, even if it is admissible.

MR WHATELEY. Does not your lordship think we are entitled to give in evidence the presentment of the homage?

MR JUSTICE WILLES. The presentment of the homage, as it strikes me, is nothing but reputation,—it is the fact of William having been admitted, and John not having taken possession afterwards, or having been admitted afterwards. In truth, the whole equitable interest was in William by the deed of gift. It is a matter of every-day occurrence, that a person in possession of a large estate has only an equitable interest, the legal estate being outstanding in others; you speak of Mr So-and-So, who is in possession, as the person having the estate; he serves on grand juries and does everything belonging to the legal ownership of the estate. You say this cannot be so, for Mr So-and-So has the legal estate. It appears to me not to be a matter for the jury. The reputation of the homage is mere hearsay.

MR WHATELEY. I was only anxious to present it to your lordship's mind.

MR JUSTICE WILLES. I think the evidence is admissible, but I think that some question may be made about it.

MR WHATELEY. I am quite content to act upon your lordship's view.

MR JUSTICE WILLES. If it were a question of public right, the presentment of the homage would be perfectly good evidence, but in a family matter it is different.

MR WHATELEY. You (Mr Alexander) consider that those let which I read are put in?

MR ALEXANDER. What letters?

MR WHATELEY. The correspondence between Mr Waddington and Mr Tanner.

MR ALEXANDER. Yes, certainly; all the letters.

A JUROR. Will you allow us to put a question to the witness Waters?

MR JUSTICE WILLES. Certainly.

A JUROR. I merely wish to ask whether the Williams of Brynmaur, who was to have the 500*l.*, is the person who acted as Interpreter yesterday?

WILLIAM WATERS recalled.

MR JUSTICE WILLES. Is the Williams who was to have the 500*l.* now in Court? Just look and see.

A. Yes; that (pointing to the Interpreter) is Mr Williams.

Q. Is that the Mr Williams who was to have the 500*l.*?

A. That is him.

MR JUSTICE WILLES. That does not seem to be denied.

MR ALEXANDER. We do not know anything about it, my lord.

MR WHATELEY. No; I do not for a moment believe that Mr Tanner had the least idea of it.

A JUROR. We merely wished to be satisfied upon the point.

MR JUSTICE WILLES. I certainly was not aware that it was the same person. I had forgotten the Interpreter's name.

MR ALEXANDER. I think it due to Mr Tanner to say that he knew nothing whatever about it.

MR WHATELEY. I have said before, and I now say again, that I have not the least particle of doubt that he knew nothing on earth about it. I hope Mr Tanner will take my assurance that I have not the most remote suspicion that he knew anything whatever about it.

MR TANNER. I never heard of it till to-day.

MR WHATELEY. I have said so before. I am quite satisfied that you knew nothing whatever of it.

MR KRATING. We are not instructed to cast the slightest hint of suspicion on Mr Tanner.

MR JUSTICE WILLES (to Mr Alexander). I do not see how you can get on without calling Jacob Morgan himself. Jacob Williams also is present, when this is done, and he is the person who sees most of these witnesses.

MR ALEXANDER. The witness says that Jacob Williams was not there at the time.

MR JUSTICE WILLES. My impression is, that he said he saw him with Jacob Morgan at another time. Yes, he said, "I had a conversation with Jacob Williams upon the subject, when Jacob Morgan was present." Jacob Morgan is the person who goes to all the witnesses.

A JUROR. There is one thing it is right to state connected with Mr Williams, who acted as Interpreter. He appears to me to have interpreted quite fairly. I have not detected anything improper.

MR WHATELEY. No; he did it very fairly.

MR ALEXANDER. We will call Jacob Williams, my lord.

JACOB WILLIAMS sworn. Examined by MR SERJEANT PIGOTT.

Q. What are you?

Q. I am a quarryman.

Q. Are you the uncle of Jacob Morgan, the plaintiff?

A. I am.

Q. Did you know anything of his giving a note—was it done by

your advice in any way his giving a note? Have you seen that before (handing one of the promissory notes to the witness)?

A. No.

Q. Nor that (handing another)?

A. No.

Q. Nor that (handing another)?

A. No.

Cross-examined by MR KRATING.

Q. Take them in your hand—just look at the signatures to those notes—are those the signatures of Jacob Morgan?

A. I believe they are.

Q. Do you know that man Waters?

A. Yes.

Q. You never knew that Jacob Morgan had given any of those notes?

A. No, indeed I did not.

Q. You never heard of it?

A. Nothing whatever.

Q. Did you ever ask him about it?

A. I had no occasion to ask him about it, because I never knew of it?

Q. Did you never suspect it?

A. Never till yesterday,

Q. Have you been about getting up evidence in this cause?

A. I have.

Q. Did you see Waters at all about the evidence?

A. No.

Q. Do you mean to swear that you never spoke to him about any of the evidence in this cause?

A. I have talked to him about the cause.

Q. Do you mean to swear that you never spoke to Waters about the cause at all?

A. I say I have spoken to him about the cause.

Q. When was that?

A. About two years ago.

Q. Not since?

A. No, I have not spoken to him since April twelve months for certain?

Q. This April.

A. No, last April.

Q. Last April twelvemonth?

A. Yes.

Q. That is two years ago?

A. Yes.

Q. You will swear that you have not spoken to him since then?

A. Yes.

Q. Not at all?

A. I have spoken to him.

Q. How often have you spoken to him?

A. About twice, I think.

Q. During the last two years?

A. Yes.

Q. But not about the cause?

A. Yes, about the cause, he asked me how we got on?

- Q. Is that twice within the last two years ?
 A. Yes.
 Q. Then you have spoken to him about the cause ?
 A. Yes, just so simply.
 Q. Twice in the course of the last two years ?
 A. Yes.
 Q. How long ago is the last time ?
 A. It is sixteen months since I spoke to him last.
 Q. Who was present when you did speak to him—was Jacob Morgan present ?
 A. No.
 Q. Will you swear that you have not spoken to him in the presence of Jacob Morgan ?
 A. I have spoken to him in the presence of John Morgan.
 Q. When did you speak to him in the presence of Jacob Morgan ?
 A. It is more than two years ago.
 Q. You swear that you have not spoken to him for more than two years in the presence of Jacob Morgan ?
 A. No, I will not swear that. I swear that I have not spoken to him in the presence of Jacob Morgan for the last sixteen months.
 Q. Then sixteen months ago you did speak to him in the presence of Jacob Morgan ?
 A. Somewhere thereabouts.
 Q. Did you speak to him about this cause ?
 A. Yes ; we talked about the Pantygoitre affair.
 Q. Do you know a man of the name of Daniel Jones ?
 A. I do.
 Q. You do know Daniel Jones ?
 A. I do.
 Q. Did you know that he was to be a witness ?
 A. Yes.
 Q. Did you know that he hesitated about giving his evidence ?
 A. No.
 Q. Unless he had a note which had been promised to him ?
 A. No, I did not.
 Q. Not from Waters or from Jacob Morgan ?
 A. No.
 Q. You never heard of such a thing ?
 A. I never heard of such a thing.
 Q. Was it you who found out Daniel Jones ?
 A. No, I did not find him out, he came forward and just gave his declaration.
 Q. But you were getting up the evidence you know—did you not find him out ?
 A. I went to him.
 Q. Then you were the first who spoke to him about it ?
 A. I spoke to him, but I do not believe I was the first to speak to him.
 Q. Is Jacob Morgan here ?
 A. I believe he is.
 Q. Do you know a man of the name of Rogers ?
 A. No.
 Q. Will you swear you do not know a man of the name of Thomas Rogers ?
 A. I know one, Thomas Rogers, a collier.

Q. Why then did you tell me just now that you did not know a man of the name of Rogers?

A. What Rogers? I know a man of the name of Thomas Rogers, a collier.

Q. Look at those notes and tell me whether the "Thomas Rogers" written upon them is his handwriting?

A. I do not know whether he can write or not—he is a stranger to me.

Q. Will you swear that you had no conversation with Waters about a stamp?

A. Yes.

Q. Take care. Will you swear that you never had any conversation with Waters about a stamp?

A. I will.

Q. You know what a stamp is?

A. Very well.

Q. And you will swear that you never had any conversation with him about a stamp?

A. I had no conversation whatever with him about a stamp.

Q. Did you know that he had purchased two stamps?

A. No.

Q. Or that Daniel Jones had purchased two stamps?

A. No.

Q. Did you know of any note being given to Mr Williams?

A. No, I did not indeed; I would not have allowed it to be done. I should have more sense than that.

Re-examined by Mr SERJEANT PIGOTT.

Q. Did Waters ever tell you that he had got a note?

A. No, he never did.

Q. Did he ever tell you that Jacob Morgan had given a note to Daniel Jones?

A. No.

Q. Or to himself?

A. No.

A. You say you had been about getting up evidence in this case; have you taken an interest in your nephew winning it?

A. Yes, I have been doing what I could for him.

Q. He is your sister's son I suppose?

A. Yes, he is.

MR WHATELEY. May it please your Lordship: Gentlemen of the Jury,—I really am now more surprised than I was when I got up to address you a few minutes ago, when I was desired by my friend to wait a little. This curious episode has now assumed a most remarkable character. Yesterday, before I had the honour of addressing you, I cross-examined a man of the name of Daniel Jones as to what at first I confess appeared to me to be a most remarkable and somewhat improbable circumstance. I had great confidence, however, in those by whom I am instructed; and although one would almost doubt whether such things could be, I have lived too long not to know by experience that any amount of misconduct, and any amount of wickedness, may be practised in a cause by those who get it up, if they are of a class such as that man who has just stood down. After the witness, Daniel

Jones (as you will bear me witness), had fenced with every question that was put to him, and, like this very man, pretended that he knew nothing about it, was compelled to admit, under the torture of a cross-examination, that he had procured two stamps; that Jacob Morgan had signed two notes, and that those notes had been put into the hands of a man named Waters; that he was to have one and that Waters was to have the other, after this trial was over. I should have thought that my learned friends would have called the plaintiff into the box, to deny that any such rascality (I hope you will excuse the word) had been committed. But no: Jacob Morgan, the plaintiff, was not called. Well, I went home last night to wonder how such things could be, and to think how much wickedness may be perpetrated without the perpetrator being compelled to admit it. This morning we got Waters. I am sorry we could not get Rogers, but it was for my friend to have called him, if he could; and it was for my friend to have called Jacob Morgan; but instead of doing so, he would rather that Jacob Morgan should be under the imputation of these things being admitted, than call Jacob Morgan to answer questions which might disclose other scenes of the same nature: That man Williams has been called, it is true; but he was not called until my lord said, "Surely the cause is not to come to an end without Jacob Williams and Jacob Morgan being examined." There was no symptom, even then, of calling either of them; and I was about to address you when my friend Serjeant Pigott desired that I should wait for a minute or two, and then he called this man Jacob Williams. I think you cannot doubt that that man has been telling you what is false. He is now endeavouring to shelter himself, but I think you cannot fail to see that there is strong evidence of a conspiracy between Jacob Morgan, Jacob Williams, ay, and William Waters too, because I am not here to put forward William Waters as a man whose conduct is not in some respects deserving of the same amount of censure as the others; and *I am sorry to include in that also the Interpreter*. Why, gentlemen, it poisons the very fountain of Justice, and saps the very foundation of truth, if such things can be done, and if those who do them can go away unscathed. Thanks be to God, however, the scheme has not succeeded; it has been exposed, and exposed in your sight; and now how does the case stand, with reference to these notes? It is not denied that Jacob Morgan has signed two notes, one of which was to be given to the man who had been getting up his case, and the other of which was to be given to the witness Daniel Jones as the price of his evidence. Ay, gentlemen, and I am sorry to say that there is another man to whom one of these notes has been given,—Mr Williams, the Interpreter. Do not let me, however, carry my not unjust indignation against these things too far. I am willing to admit that he interpreted the evidence fairly. Some of you, gentlemen, are thoroughly acquainted with the Welsh language, and that possibly may have acted as a check upon him. It is right, however, that I should say I have no reason to believe that the Interpreter did not fairly do his duty in that respect; indeed, he could hardly avoid doing so, because we had an interpreter in Court,—a gentleman sitting next the witness-box; and we had the still greater security of your own knowledge of the Welsh language, as well as of your vigilant attention. It is a thing which cannot be too severely reprobated, and which must be reprobated by every honest man in the kingdom, that witnesses, when a cause is coming on to be tried, should have large sums promised to them, depending upon the verdict. Daniel Jones said, "I have had nothing; I had no note." Waters, however, says that he had, and that he (Waters) was to keep it till the

trial was over, in order that Daniel Jones might be able to say, when he came into Court, that he had received nothing. You cannot doubt that Williams is as bad as Jacob Morgan, and that he has been bribing the witnesses. No honest witness ever desires to have the promise of a reward depending on the event of a cause, but will give his evidence in conformity with his oath to speak the truth, the whole truth, and nothing but the truth. That is what the witnesses in this case have sworn to do; they have sworn to speak the truth, the whole truth, and nothing but the truth, and have called God to witness that they will do so. You have heard the evidence they have given, the things they have done, and the bribes which some of them have accepted, and you will judge how far they have given their evidence according to the oath they have taken. How far the infection has spread I know not. It would have been some satisfaction to have seen Jacob Morgan in the witness-box. We might perhaps have learned from him to how many more of his witnesses these promissory notes have been given. I do not choose to say which of them are likely to have received such inducements to give their evidence in favour of the plaintiff; but when you find such things done at all, the effect of the discovery is to cast a cloud of suspicion over the whole case of the plaintiff, and to lead you to look with the greatest watchfulness and the greatest suspicion at the evidence his witnesses have given. I will pass, however, from that subject, because the evil is too great and the misconduct is too glaring to make it necessary for me to expatiate any more upon it; because I feel assured there is not any one of you who does not entertain a just sense of the enormity of the offence that has been committed, and which is punishable by the laws of England (though not to-day), and because you feel, I am convinced, that it is an offence of such a character as to taint every other part of the evidence by which the plaintiff has endeavoured to substantiate his claims.

Where is Jacob Morgan? My friend said, rather triumphantly, when Waters was examined, "Is Thomas Rogers alive?"—"Yes" (said the witness), "I believe he is." Did it not occur to my friend that a more important question was, "Is Jacob Morgan alive?" Thomas Rogers was merely a witness to the promissory notes. Jacob Morgan was the actor in the thing, together with a more cunning and a more wicked man, I dare say—Jacob Williams. I charge them with having conspired together to procure a verdict by evidence got together by such foul means against Mr Nicholl the defendant.

Now, gentlemen, passing from that subject, I will say a word or two upon a trifling matter that has been introduced into this case, for what reason I confess I am at this moment wholly ignorant. It really surpasses my understanding. I dare say I am very stupid, but I confess I do not see the importance of it. My learned friend says, and makes a point of it still, that Mr Nicholl (as I avowed at once), upon the death of Miss Rachel Morgan, the intestate, at once took possession of her property for his son, the defendant; that he went to the house the very day the lady died; that he took possession of all her deeds and papers; and that they have continued in his possession down to the present time. And why, I should like to know, should he not? Was he to let that man Jacob Morgan get into possession? I submit to you, with the greatest deference, that nobody had so good a right to take possession as Mr Nicholl. He has proved himself before you to be the real owner of the property; but if he had only had a *bond fide* claim, what harm could any one sustain by what he did? Did he look up the deeds and documents, he found there, and say "I have got the key of the box which contains them. I am in possession, and I

will stand upon my possession, and assert my right to hold the property, without showing what my title, other than possession is"? Far from it. Mr Waddington, his solicitor, as I have already pointed out to you, behaved like an honourable, open, and fair-dealing man, in this transaction, as he has acted in all transactions in which he has been engaged. I exempt Mr Tanner from all blame in this matter. I am always anxious not only not to cast blame where it is not deserved, but to exempt innocent persons from even the suspicion of blame. What did Mr Waddington do? He gave to Mr Tanner all the information he possessed to show that William Morgan was an only son, and that he had no brother John. It appears that when the papers which were removed from the house of Miss Morgan, on her death, to the house of Mr Nicholl, that gentleman found a draft of a very important document, namely the deed of gift, which has been produced before you, of the 30th of June, 1741; and the defendant in the cause appears to have made a memorandum to that effect,—a memorandum that there was a deed of gift found of the date of the 30th of June, 1741, by William Morgan the elder to his son upon his marriage. It appears that that memorandum was given to Mr Nicholl, the father of the defendant. It was left with Mr Waddington, and was taken by Mr Nicholl, the father, with another unimportant memorandum about some entries in the pedigree; and it appears that somehow or other it has been lost. What on earth has that to do with this cause? What has it to do with the question whether William Morgan had a brother John? Drowning men, we know, will catch at straws; and accordingly my learned friend, knowing that he had nothing substantial to rely upon, and hoping to excite some prejudice in your minds and to introduce a little confusion into the case, says a great deal about that memorandum having been lost. Why, gentlemen, if it had been here to-day, of what use could it possibly have been? None whatever. When the draft of the deed of gift was found, what did Mr Waddington do? Did he chuckle over it, and conceal the fact of its existence? Did he say to himself, or to Mr Nicholl, "When Jacob Morgan's case comes on I can destroy and put an end to it at once, by producing that deed of gift, which I will keep secret till then"? On the contrary, he at once told Mr Tanner that he had found such a deed of gift, and he did more; he actually sent him a copy of it. Was that fair dealing or not? What on earth had the memorandum made by Mr Nicholl to do with the matter? It was a memorandum which Mr Waddington had seen, which was made by Mr Nicholl, the defendant, when he first found the draft of the deed. Mr Waddington did not see the deed for some days afterwards, but when he did see it he immediately sent Mr Tanner a copy of it. I want to know where the mystery is; I confess I do not see it. If there be any thing in it, no doubt my lord will point it out to you. But what happens afterwards? Having found the draft, they make a search for the deed itself, and inside a duplicate of the marriage settlement of equal date with the deed of gift the deed of gift is found, and it has been produced before you to-day. I do not wonder at my learned friend feeling the great importance of that document, seeking to throw discredit upon it, but he did not succeed in his attempt. The plaintiff has brought here a gentleman remarkable for his great knowledge and skill in certain matters, (Mr Herapath,) who has turned his acute mind to examining ancient documents, but has Mr Herapath suggested even a doubt as to the genuineness of that deed of gift? They have had the means of seeing all our deeds; they had an opportunity of examining them all last week in London; Mr Herapath was

in court when they were produced here, and he was not asked a question upon the subject, and I have a right to assume, as any man must assume, who has eyes in his head, and brains enough to comprehend the simplest thing, that those deeds are not only genuine documents, but are conclusive of the case in favour of the defendant. It does not rest on one or two but on several documents. Just see what they are. First of all there is the will of Florence Morgan, who leaves a legacy to William, the only son, as we say. She leaves a guinea each to the daughters, Elizabeth and Mary, but not to Anne. We have also the marriage settlement in which William Morgan the younger is described as the son and heir-at-law of William Morgan; and we have also the deed of gift, in which he is described as the only son and heir at-law of that man. If John, who is alleged to have been the brother of William Morgan, was then in existence, the statement in that deed could not of course be true. This, you will bear in mind, was long before any dispute or controversy arose between the parties. It was in the year 1741. One of you gentlemen asked a question which was extremely important—whether any son could have been born afterwards? The wife of that William Morgan died in the year 1737, and there is no pretence for saying that her husband ever married again. He died in 1743—his wife died in 1737. The deed was made in 1741, William Morgan dying, as I have stated, in 1743. If, therefore, there be any truth in these documents, which are far better and more truthful evidence than that which has been given on the part of the plaintiff in this cause, there was but one son of old William Morgan, namely, that William Morgan in whose favour those deeds were made, and consequently there could have been no brother named John.

But, gentlemen, let me ask you this, is it at all likely, nay, is it not almost impossible to suppose, that anybody would seek for a moment to impute that either Mr Waddington or Mr Nicholl, the defendant, have come here to perjure themselves, or to deceive you? Do you believe that Mr Ilyd Nicholl, as high-minded a man as any in your county, as those who know him will bear witness, or that Mr Waddington, of whom I may say the same thing, found the name of John Morgan in some deed, and smuggled it away and concealed it? The plaintiffs have had an opportunity of examining all the deeds in the possession of the defendant. They were all up in London last Saturday. There was a notice served upon us on Friday, and there was hardly time to send the deeds to London for them to be inspected on Saturday. All these deeds were produced and inspected, but in no one of them the name of John Morgan appears—nay, more; there was a most remarkable prayer-book produced by Mr Nicholl, in which were inserted the names of the different members of the family.

MR ALEXANDER. We have not seen that book.

MR WHATELEY. I beg your pardon; your people have seen it, and have got extracts from it.

MR JUSTICE WILLES. It has not been given in evidence.

MR WHATELEY. I certainly intended to give it in as evidence, and if I omitted to do so I tender it now. It was an oversight of mine. If not formally, it was in substance put in.

MR JUSTICE WILLES. Let us see how the matter stands. Do I understand that the prayer-book is put in now?

MR WHATELEY. Yes, my lord—sometimes it does happen, notwithstanding all the care one may take, that where there are so many documents as there are in this case, one of them is by mistake omitted to be put in. Here, although I was assisted by two of my learned

friends, who are generally as accurate, and as able as any in the profession, I take blame to myself, as I was leading the cause, for having omitted to put in that prayer-book. We certainly referred to it, and I understood that it was put in. My learned friend certainly referred to some of the entries in it.

MR JUSTICE WILLES. I observed when Mr Nicholl the elder was going out of the box that he held the prayer-book as if he expected to be asked for it, and that he appeared to be a little disappointed that it was not put in. It is now in, however.

MR WHATELEY. There it is (producing it) and if my learned friend can find anything in it that appears to him to assist his case he is quite at liberty to call your attention to it, which no doubt he will not fail to do. But, gentlemen, while I think of it, let me advert to another document that has been produced by my learned friend, a very remarkable old Welsh Bible, and I declare to you that if I had seen it last night before it was given in evidence, I should not, in the least, have objected to its reception because there is really nothing whatever in it which in my judgment at all affects the case. It appears to be a book which has written in it "William Morgan, Mamhilad," and, for all I know, it may have belonged to him. But there is also in the book "John Morgan of Trevethin." Morgan, as you are aware, is as common a name as any in that part of the country; perhaps it is the most common, and William also; but in one part of the book there is the name William Morgan, in another Edmund, and in another, John Morgan. Now, what account have we of the book? They do not show where it came from, or that it belonged to any member of the family. There is not one single living person called to give you any account of that book, or to show you where it came from. I do not choose (with the concurrence of my friends who are with me) to make any stand against the book being received in evidence, for I am always rather for admitting than for excluding evidence. The book, however, having been received in evidence, I shall wait to hear from my friend what importance is to be attached to it. If anybody can make it of importance, my learned friend, Mr Alexander, whose invaluable services the plaintiff has, will tell you how he applies it to this case, the main question in the cause being that which my learned friend propounded to you when he addressed you in the first instance, namely, had William Morgan, the son of the common ancestor (as he was called; I use that as an easy mode of designating him, but always denying that my learned friend's client has anything to do with him), a brother named John Morgan, I take the liberty of saying, that *except that sort of rambling evidence which you have heard of declarations and conversations spoken to by the witnesses called on behalf of the plaintiff, there is not the least evidence to show that there ever was such a person as John Morgan.*

Now let me call your attention to the sort of evidence that has been given on the part of the plaintiff. I will not detain you long, and I will tell you why. I said this morning that I would give you rather a summary of the case than go into the particulars of it. I found, however, that I was involuntarily led to dilate with more particularity than I had intended, on the improbability of the story told by the plaintiff's witnesses. When you begin to speak of one circumstance you are led on imperceptibly to speak of another, and as you so patiently attended to what I said this morning, I will not weary you by any lengthened observations now. As to the witness Daniel Jones, I will dismiss him without another word of comment. His evidence was improbable

in its nature, if it stood alone, but it is so, I will not say tainted, but so infected with fraud, by what now appears with regard to those promissory notes, of which you have heard so much, that I am sure you will place no reliance whatever upon it. An honest witness not only would not require, but would refuse, to accept a sum of money as the price of his evidence. As far, therefore, as Daniel Jones goes, I dismiss him at once as a worthless witness, whose evidence is not deserving the slightest consideration. I have made some observations upon the evidence given by a witness named Edmund Thomas. He is the man who said that when he was a boy of twelve years of age, working at John Morgan's of Graigwith, he was asked to take a message to the Morgans of Groeslanfro. He said that he went there and found the children and servants, and that Anne made the remarkable observation that the families were second cousins. Edmund Thomas, who is now seventy-six, must have been at that time twelve years old. He must have been but twelve years old when the message was delivered, and I find that according to the plaintiff's pedigree, and all the facts in the case, Anne Morgan, the person supposed to have made the declaration, was only born in the year 1794, and therefore *she could not have been alive at the time she is supposed to have made the declaration in question.* The mole works underground; you can track him and find out where he is by the heaps he raises, and so here you find that Jacob Williams is working underneath, by what you find upon the surface of the case.

Then Daniel Jones of Trevethin spoke to a conversation with John Morgan of Graigwith, when he (the witness) was only eight years old. It is not merely because a thing is sworn to that you will believe it. You will judge whether what the witness states is probable or not. I ask the youngest or the oldest among you, gentlemen, to cast your memory back to the period when you were only eight years of age, and see if you can recollect anything that then occurred which was a matter of no interest to you at the time, and as to which nothing had afterwards occurred to bring it to your recollection. I think this witness said that he had not been asked about it until very lately, and I think you cannot place much reliance upon the accuracy of his recollection with reference to the conversation to which he spoke. So, again, gentlemen, with regard to the Rosser family, I made some observations upon their testimony when I addressed you before. William Rosser, you will remember, said he would swear to the very words that were used upon the occasion to which he spoke. It must have been before 1811, because Edmund died in that year. I will not, however, go further into the evidence given by the Rosser family, I think it would be a mere waste of time, and that I should be breaking the promise I have made to you if I made any further observations upon the testimony they have given.

But, gentlemen, I must make an observation or two upon the evidence of some of the other witnesses who have been called on behalf of the plaintiff. It is rather a remarkable thing that Daniel Jones said he was told of the relationship by Mr White, of Pontypool. Now, all the other witnesses, Harry Morgan, Amy Morgan, and Anne Morgan, had never heard of the Whites of Pontypool. Nay, more, you have it from Mr Nicholl that he and his family had been in the habit of going and dining with Mr White of Pontypool, and that he never heard these relations, the Morgans of Groeslanfro, mentioned, and I undertake to say that there is not a single witness called on the part of the plaintiff, who has proved that any member of the Groeslanfro

family was ever either at Graigwith or at Mamhilad. No living man ever saw any one of them there. It is true that two or three of Jacob Morgan and Jacob Williams's witnesses said that they had left Groeslanfro on a Sunday, saying they were going to Graigwith, but *where is the witness who ever saw them there.* There is not one. You have nothing but these declarations spoken to by the family of Jacob Morgan, who no doubt feel a natural anxiety that Jacob Morgan should possess this property, and if, through their evidence he should succeed (as he will not) in establishing his claim, it would, no doubt, turn out that other promissory notes are in existence of the kind that were produced before you yesterday. Daniel Jones stated that Mr White, of Pontypool, told him that the Graigwith family were related to the Groeslanfro family, but as I have said there is no single living witness who ever saw any member of the Groeslanfro family at Graigwith, or who proves that the members of the Groeslanfro family were even on terms of acquaintance with the members of the Graigwith family. I made some observations this morning, and I do not mean to repeat them now upon the evidence given by this old man. To me he was a pitiable object. I cannot but believe that he has been persuaded and his sisters also, to say not only that which they do not know to be true, but that which they know not to be true. It is a most remarkable fact, that although of the children of Edmund Mrs White was living, Mrs Bond was living, besides other members of the family, and although these witnesses pretend to have been acquainted with the family, there is not any one of them who ever heard of the slightest relationship between Mrs Morris or Mrs Rogers or Mrs Bond, though they were as closely related as the others. Is it not plain and palpable that these witnesses have been taught to tell a certain story? The object was to trace up the pedigree as far as Edmund Morgan, and if possible to John, but there is not one of them who can show who the different members of the family were, while we, on our part, have shown what the relationship between the different members of our part of the family was, and in the evidence which we have given upon that subject you do not find those glaring inconsistencies which are discoverable in the evidence given on the part of the plaintiff. Then there was a witness of the name of John Rowlands. He stated that he is now seventy-four years of age, and that when he was fourteen (that is, *sixty years ago*) he heard a conversation between his mother and John Morgan. It was not a conversation which was at all likely to impress itself upon his memory. He said his father had been cobbling, and that he and his mother took home some shoes; that John Morgan said to his mother "How art thou, Anne?" and that she said "How art thou, John?" and that then John Morgan went on to say they were brother's children, and that he should be a rich man if he outlived Morgan, of Graigwith. John Morgan of Graigwith, was alive and did not die till 1805. His son was alive and did not die till 1843. Anne was alive and did not die till 1851, and Rachel was alive and did not die till 1854. But how was it that he came to give this evidence? He had seen Jacob Williams ten weeks ago, and this poor wretched man was called to swear to the fact that John Morgan said that if he outlived Morgan of Graigwith the property would come to him. The truth of his statement is at once disproved when you bear in mind that at that time all these other members of the family were alive, they being young people and not likely to die. It is, therefore, trifling with one's time and one's understanding to bring forward such evidence as that to which I have just adverted.

Then there was another witness named George Llewellyn, who said that he heard the plaintiff's grandfather say that William Morgan of Graigwith was his cousin; that was thirty-seven years ago. He had no particular reason for remembering it, but he said that he also heard William Morgan say that Isaac would be his heir if he died without issue. Why, gentlemen, there were several persons who would have been heirs before him; indeed, he never could have been the heir, because you will be satisfied that there was no relationship at all between the two families.

Then there was a witness named William Walters, upon whose evidence I made an observation or two before. He was called to speak to their being second cousins, and he brought with him, as you recollect, a memorandum on which was written the word *Cyvartha* lest he should forget to say that they were second cousins; he brought with him that memorandum in order that he might be sure to remember to say they were second cousins. Gentlemen, I do not know that it is necessary for me to go with more minuteness into an examination of the evidence which has been given on behalf of the plaintiff. It appears to me that if I have not already shown you that the case of the plaintiff has no foundation in truth I should fail to do so by any farther observations I might make upon it. Its falsehood does not depend on slight discrepancies or trifling contradictions, however important they may be in many cases, but I think I have shown you that there are dates and circumstances which cannot deceive you and which prove conclusively that the statements made by the witnesses called in support of the plaintiff's case are not founded in truth.

Gentlemen, I must call your attention before I sit down to the evidence which has been given on the part of the defendant. Of course I am aware that it is what is called negative testimony, but there are some species of negative testimony which amount to the strongest possible proof. For instance, John Morgan is supposed to have been the brother of William. Is it likely or is it even possible that Mr McDonnell, a gentleman who for many years was the private solicitor of the Morgan family as well as of the Nicholls, should never have heard of such a person if such a person had existed? Nay more, there is Mr Nicholl, the father of the defendant, a gentleman far advanced in years, whose mind is as fresh and vigorous as ever, who I hope will live to enjoy a green old age, and who speaks to having visited the Whites at a sort of family gathering once a year; a good old English custom which I hope will be continued by those who succeed us. It appears that John White of Portypool, a person not quite in the same station of life as Mr Nicholl, but a respectable shopkeeper, was in the habit of having a family gathering once a year, to which Mr Nicholl, his wife and children when they were old enough went. There they met and enjoyed themselves together, and of course they talked of their relations as relations will when they meet. Did they ever hear of John Morgan? Never. The witnesses for the plaintiff would have you believe that the people of Groeslanfro were relations. Had they ever been at Mr White's? Had they ever heard of them or seen them? Had they ever heard of Morris or of Bond? Never. Mr Nicholl knew all the branches of the family. Mr McDonnell knew them all. They never heard of Jacob Morgan or of his father being relations, and yet upon such evidence as that which has been brought forward by my learned friend, you are asked to take this property from the gentleman who is in possession of it, and to hand it over to Jacob Morgan and Jacob Williams and those parties who have had promissory notes given to them as an inducement to them to give evidence in favour of the plaintiff.

Then, gentlemen, you have the fact that Rachel Morgan the intestate when speaking of those who would succeed her spoke of Mr Nicholl. She said that the mother of the defendant was "her male heir." That very mistake or peculiarity of expression you will probably consider a proof of the truth of the statement. When the young lady to whom she said this, said "How can a woman be a male heir?" Miss Rachel Morgan said "That is by my father's side." And so it was, although the Act of Henry the 8th professed to make Monmouthshire a part of England, there is still a good deal of the old Celtic character about it. Not only the old habits but the old language still prevail, and I believe that the Monmouthshire people are as proud of their pedigrees as ever, and that they look into them more than we wretched Saxons do. Miss Rachel Morgan said to the sister of the defendant that she must take care and make a will for that otherwise all her property would go to Mr Iltyd Nicholl, the defendant. Iltyd I suppose is an old Celtic name. Miss Morgan must have known what she was talking about, and I cannot but persuade myself that you must be satisfied that her declarations go strongly to confirm the other evidence we have given on the part of the defendant and that this other evidence is cogent to show that the defendant is the rightful heir to this property. The witnesses for the plaintiff would have you believe that the Groeslanfro people came over to spend their time at John Morgans on a Sunday. They do not appear to have known Rachel, but Rachel would have known them if they had been relations, and would have remembered the fact of their coming there frequently and staying from the Saturday till the following Monday morning. But there were some poor relations that she had, some persons of the name of Jones. Miss Rachel Morgan expressed to Mr George Nicholl her intention to provide for them, and she spoke to him of her intention to make a will and as to the mode in which she intended to dispose of her property. I remember a great and good man who made it his practice always to look over his will on his birthday; it was well to have a fixed day for doing it, for otherwise it might never be done at all. Miss Rachel Morgan said she intended to provide for her poor relations on her mother's side. That was a righteous thing to do, and I am glad to know that they got a large sum from her personal estate afterwards. Do you believe that such a person would turn her face from any poor man who was her relation, and that if the Morgans of Groeslanfro had been her relations she would not have considered them; she would have said "Providence has blessed me with abundance, I cannot, when I die, take my property with me, I will provide for my poor relations, I will give something to the Morgans of Groeslanfro as well as to the Jones's," but you find that nothing of the kind takes place. I put that to you as a strong fact to show that this family was wholly unknown to Miss Rachel Morgan as well as to Mr Nicholl, and I think that that coupled with the other evidence in the case is strong to show that there was in truth no relationship between these parties.

Then, gentlemen, there is another fact which is not unimportant. When Mr White dies, who is invited to his funeral? Mr Nicholl. And by whose direction is he invited? By the direction of the very William Morgan, who they say they were going over to visit. Then, when William Morgan died, who was invited to the funeral? Mr Nicholl and his three sons. My friend says, that the parties invited are invited by the undertaker. In form, that is so no doubt, but the invitations are always given by the direction of the family. Surely, that again is an important fact, tending to show a recognition of the Nicholls as the next heirs to the property and that there was no recogni-

tion of those who are now claiming to recover that property from the defendant. There are one or two other facts that I ought not to pass over, which have an important bearing upon this point. There was old Harry Morgan, worn down by age and fatigue; he was very poor, and the world had been tight with him, as one of the witnesses expressed it. He had been driven in his later days to the Union Workhouse of which he is still an inmate. If he thought he had these rich relations, can you believe that he would not have said to some of them, "Pity the sorrows of a poor old man," and give me some relief? Is not that what he would have done, if as he states he knew he was related to a wealthy family? There is no disgrace in being poor if a man is honest, nor is there any disgrace in asking those who are akin to you to lend you some assistance in your hour of need. Did old Harry Morgan ever do that? No; it never entered his mind that he had any rich relatives to whom he could apply, and it was not until he was persuaded by Jacob Morgan and Jacob Williams, that he could give important evidence for them, that that poor old man was induced to make a statement, which he did make in the evidence he gave you yesterday. Now, gentlemen, in a case of this kind there is no evidence so satisfactory as that furnished by documents, which can neither lie nor deceive. You may draw a wrong inference from a written instrument, but you cannot falsify it, if it is a genuine document. What answer can my friend give to the argument, and the presumption arising from the different documents that I have laid before you? There is the will of Florence Morgan dated in 1712, by which she gave to her grandson William Morgan of Mamhilad one guinea, and to her two grand-daughters, the daughters of William Morgan of Mamhilad, all her household effects, making no mention whatever of any brother of that William Morgan. You have then the settlement made on the marriage of William Morgan and Rachel Jones. The parties to that settlement are described as William Morgan the elder, of the parish of Mamhilad, son and heir of Edmund Morgan, late of the same parish, Gentleman, and Catherine his wife, both deceased, and William Morgan, son and heir of the said William Morgan, by Eleanor his first wife. There you have the strongest declaration that he was the son and heir. Then you have the deed of gift dated on the same day, the 30th of June, 1741, in which William Morgan the younger is described as "my heir and only son." In the September following the same William Morgan, who had executed the settlement and the deed of gift, made his will, in which he said, "I give to my son William Morgan," so and so, "and I also give to my three daughters, Elizabeth, Mary, and Anne," so and so, making no mention whatever of any son John. Why, gentlemen, is not that conclusive? If it is not, I am at a loss to know what evidence ever can be said to be conclusive in any case?

Gentlemen, these are the facts as far as I know them. It is only my duty now to sum them up. You will bear in mind that the burthen of proof is upon the plaintiff. He can only succeed if he satisfies you upon the strength of his own case, that he is entitled to this property. The defendant might have stood upon his possession, and if I had had to address you upon the case of the plaintiff, without offering any evidence on the part of the defendant, I should have done so with a strong and confident hope that you would say the plaintiff has not made out his case, but when you come to contrast the evidence which has been offered on the part of the plaintiff with that which I on the part of the defendant have produced before you—does not the

plaintiff's case altogether vanish? Is it not tainted with falsehood and fraud, with bribery and corruption, with everything that can render it suspicious? Jacob Morgan and Jacob Williams are parties to that falsehood and corruption, and Waters is a party to it too, for I am not here to excuse what he has done. I charge those persons with having entered into a conspiracy to corrupt the very fountain of justice, and to get a verdict by practices which cannot be too strongly reprobated.

Gentlemen, I have to thank you for the attention with which you have listened to me. You will now hear what my friend Mr Alexander can urge in support of the case of his client the plaintiff. It is not for me to say what my own impression is, but I submit to you with very great confidence, that you can come to no other conclusion, than that the defendant is entitled to your verdict.

MR ALEXANDER. May it please your Lordship: Gentlemen, of the Jury; you have now arrived at the last stage but one of this very important case. Nothing now remains to be done, except for me to make such remarks as occur to me upon the whole case as it has been laid before you on both sides, and then for his lordship to submit the case to you with such directions in point of law, and such comments upon the evidence as he shall think fit to make. Now, gentlemen, I am glad to find that the prophecy with which I set out in my address yesterday morning has not been altogether falsified, for after all the various questions to which you will have to address yourselves, when the case has had removed from it all the fringe and mystery which have been thrown over some parts of it, will be whether John Morgan, the great grandfather of the plaintiff, was brother to William Morgan, the grandfather of the intestate. However much the case may have been mystified on either side; however it may have been enlivened or made interesting by the various episodes which have been introduced into it in the course of its conduct, or by the testimony that has been brought forward, still by-and-by you will have seriously and soberly to lay your minds and consciences to the solemn work of deciding the question, was John Morgan, the great grandfather of Jacob Morgan the plaintiff, brother to William Morgan, the grandfather of the intestate. Now, my friend Mr Whateley, in the observations he has just addressed to you, has proceeded on what I cannot call anything but an assumption of confidence, that he has no case whatever to answer, and he has indulged in a great deal of violent language, such as one seldom hears from my friend's lips, and which I can only account for by his having worked himself up to a state of high indignation at the rascality of Waters (who you will remember my friend himself produced as a witness), with reference to this case. My learned friend has not had the discrimination to except several of the most respectable witnesses in the cause, from those hard terms which he has applied to the witnesses who have misconducted themselves. I would ask you why Jacob Williams is to be called throughout, "the notorious Jacob Williams"? We heard nothing of him till he was called into the box, except that he had assisted in getting up evidence to support the claim of his nephew Jacob Morgan, the plaintiff. Suppose I were to retort upon my friend, by saying, that Mr George Nicholl has been getting up evidence on behalf of his brother, or that Mr Iltyd Nicholl has been getting up evidence on behalf of his son. What condemnation would have been passed upon me if I had called those gentlemen by such opprobrious names, merely because they were righteously and properly assisting their relative to get up a most important case. If such remarks are not due to them, I should like to know, why they

are due to Jacob Williams, a man in humbler life than they, but whose reputation is as dear to him as is theirs to them. Why is my learned friend to say, that Jacob Williams when he contradicts Waters, is to be disbelieved. Was there anything in the manner of Jacob Williams, or in his appearance, or in the mode in which he answered the questions which were put to him, to justify my learned friend in calling him, "The notorious Jacob Williams," and in branding him in the face of the County of Monmouth, as a notorious person guilty of mal-practices? These are hard words, gentlemen, and it is my duty to deprecate them.

Then again, gentlemen, why is Harry Morgan, that poor old man, who has been an inmate of the Workhouse for several years, to be called "That miserable Harry Morgan," and why is he to be taunted with his poverty, and with having remained so long in the workhouse without having sought relief from his rich relations? If there is any truth in the evidence which was given by one of my witnesses, Rosser, it would seem that it would have been of very little use for Harry Morgan to have made any application to his rich relations for relief. You do not forget the statement, that when William Morgan of Graigwith, was spoken to about one of his relations having fallen into very great poverty, and when he was told that he was an old man, and that the world was very tight with him, what was the answer that Mr William Morgan of Groeslanfro gave? He laughed, and smiled, and said, "I will see something about it," or "I will not forget it," or something of that kind, but I think you will agree with me, that that was but small encouragement to the poor Morgans to make applications to their richer relations, and I think it is rather hard to taunt this poor man with his poverty, and to call him, "That miserable Harry Morgan," as if he was coming here to support the plaintiff's claim by perjury or forgery.

Then my learned friend speaks of John Rowlands, and calls him, "That poor wretched man." Do you remember the demeanour of John Rowlands? Perhaps I may be supposed to take a partisan view of the case, and of the demeanour of witnesses, but I declare, that of all the witnesses produced, either on the one side or on the other, I did not see one who from his intelligence, respectable appearance, and fair mode of answering questions, and of dealing with everything that was put to him in cross-examination, seemed to me to be more entitled to credit at the hands of a jury. At all events he did not contradict himself; he did not tell a story to-day, which was different from that which he had told before, nor was there anything in his demeanour or manner, to justify my friend in saying, that this "poor wretched man," as he called him, had been tutored to come here and state that which was not true. That is the way, however, in which my friend, led by the indignation into which he lashed himself, dealt these very severe and unmerciful blows upon persons of very respectable character, though of humble but very respectable position. I will not imitate my learned friend by saying, that his case altogether vanishes. I say now as I said at the outset, that the case is one of very considerable importance. It is a question in which we have to grope in the darkness of past ages for information and enlightenment. It is not a case in which every fact can be spoken to by living witnesses. I do not say that my learned friend's case vanishes altogether, as my friend says, the plaintiff's case does, but I say that the case of the plaintiff, and the case of the defendant require at your hands very serious consideration, and they require all the more serious consideration, in con-

sequence of the different topics which have been introduced into the case. I can well conceive that your indignation, and the indignation of any one who heard it would be excited by what occurred, with respect to the promissory note for 300*l*. You will bear in mind, however, that this information comes from William Waters, who himself received at the same time a note for 500*l*.; for what do you think? He would have you believe that it was for riding about and looking for evidence. Where did he ride? What evidence did he find? Does it appear that he had any communication whatever with any single witness who has been called? Have the Rossers seen him? Has the old deaf lady seen him? Has Harry Morgan seen him? No. That shameless man who you will remember is called as a witness on the part of the defendant told you that Daniel Jones received a note for 300*l*., but made no mention of the note for 500*l*. given to himself, until I extracted it from him in cross-examination. I do not think that you, gentlemen, have yet seen that note.

Now, gentlemen, why is William Waters to be supposed truthful in everything he says, and why is Jacob Williams to be presumed to be the contrary? There was one part of the evidence of William Waters which struck me with astonishment, and at this moment I am hardly disposed to believe it, though his statement has not been contradicted. He says that he told Mr Waddington, as long ago as last November, that he had received a note for 500*l*., and I think he said that he also told Mr Waddington that Daniel Jones had received a note for 300*l*. At this moment I can hardly believe that a gentleman of Mr Waddington's respectability and intelligence, could have that information from William Waters without taking the opportunity of making it a prominent feature in the cause. So good an opinion have I of Mr Waddington's respectability and integrity that I believe that William Waters told as false a tale about that as he did when he said he received the 500*l*. note for his own services in collecting evidence in support of the plaintiff's case.

Then, gentlemen, there are other circumstances brought into the case with respect to the finding of the deed of gift, and it is inconceivable to me how Mr Waddington's statement in his letter as to the finding of the draft of the deed of gift, and the finding of the deed of gift itself can be reconciled. You will recollect that on the 16th of February, 1856, Mr Waddington wrote in these terms to Mr Tanner, the plaintiff's attorney:—

"Dear Sir,—Not having heard from you so long, I supposed the claim of the plaintiff had been dropped. I was, therefore, a little surprised." [I do not see why he should be surprised, everybody is aware of the time it takes to investigate a case of this kind.] "I was, therefore, a little surprised the other day to find that the defendant, without any previous intimation to me, had been served with an ejectment, which, if you had been good enough to forward to me, I would readily have given my undertaking to appear to."

I had better read the preceding letter from Mr Waddington, of the 16th of August, 1855:—

"Dear Sir,—I have not at present documentary evidence that Miss Morgan's grandfather had no brother, but we have hearsay evidence and, as I said before, I have no doubt of the fact. I am aware it is not conclusive, but it is observable that the will of the great grandfather mentions a son and three daughters, and no other children."

Then, some months afterwards, in February 1856, Mr Waddington writes the letter which I have partly read to you. He goes on to say,

"As it is, I think it right to mention for your guidance in continuing the proceedings, that the statement which I have already made to you, namely, that the intestate's grandfather had no brother, will be found to be correct, and among other circumstances which go to show this is a written document, which at the time of our correspondence I had myself not seen, being mislaid." The document which has been found may be mislaid, but a document which had not been found, and the existence of which was not known till the 6th or 21st of February, the days on which the draft and the deed of gift itself were respectively found, could hardly be said to have been mislaid. "But which Mr Nicholl's father has laid his hand upon since the ejectment was brought, and which confirms such statement, in my opinion, beyond dispute."

When Mr Waddington was called into the box to-day, I took the liberty of asking him to explain that expression in his letter, and then he said that he had not at that time either the draft or the original deed. He says the original deed was found five days after the date of this letter, but he had an impression (that is his expression, as you will find when my lord comes to read his notes) as to what the deed was from a memorandum made by Mr Nicholl. I asked him where the memorandum was, and he produced, not the memorandum itself, but a part of the paper to which the memorandum had been attached, and from which it had been torn off. He says he collected his impression from that. But how could such an impression have been produced upon his mind if the draft and if the deed had not been found before? And if it had been found, it could not have been mislaid between the 6th of February, when it was found, and the 16th when the letter was written. Up to this moment the thing is quite unintelligible to my mind. My friend Mr Whateley was kind enough to suggest that I was endeavouring to throw confusion into that part of the case. I beg, with all respect to my friend, to decline to accept such a compliment at his hands. I declare it is wholly unintelligible to me how the document could have been mislaid, when it had not been found. The confusion is not introduced by me, but by Mr Waddington and the memorandum made by the defendant. Now, gentlemen, I have been taunted a good deal with not calling Jacob Morgan, the plaintiff, as a witness before you. I should be glad to know what he could have proved more than was proved by Jacob Williams, who stated fairly that the signatures to those two notes were the signatures of Jacob Morgan. Now, I pray you to bear in mind the position in which Jacob Morgan is. Do not be led away by the folly or simplicity of Jacob Morgan, or it may be of Mr Rogers, who my friend taunts me with not having called, although my friend himself produced the note to which the name of Mr Rogers appears as a witness. Do not give so much weight to the observations of my learned friend with regard to these notes, which appear to have been given, as to lead you to do this poor man injustice. Just recollect the position in which Jacob Morgan is; a man in humble circumstances, wandering about the country, with a vague notion that he is the rightful owner of this property. I do not complain of Mr Nicholl having taken possession of it, though I cannot help thinking it was rather sharp practice to take possession on the very night of the day on which Miss Rachel Morgan died. But you will remember that he is a gentleman of station and education, while this poor man (the plaintiff), who is a labourer, believing himself to be the representative of John Morgan, the brother of Williams, and that he is therefore entitled to the pro-

perty, is driven to his wits' end to find any person to take up his cause. The person most immediately in connexion with him (his mother's uncle), who is a little raised above him in the world, is naturally anxious to befriend him. Jacob Morgan, if he had been called before you, could have done no more than tell you that he had given these notes upon the representation of Waters, and probably upon the representation of Daniel Jones also. What more could he have said? He could have said that his father disappeared some years ago; that he had not had the advantage of his father's care since 1841; that his father disappeared in consequence of being connected with the Chartist riots; and that he had not since been heard of. He could have given you no hearsay declarations of what the elder branches of his family had said. He could merely have said, "I am the claimant in this case; Waters and Jones persuaded me to give these notes." Jones said, "He promised us a prize if he won the estate."

But, gentlemen, Mr Rogers, the witness to the note, might have been called as a witness here. Mr Rogers is proved to be alive, and yet my friend Mr Whateley or those who instruct him have not sought for Mr Rogers's attendance. But just consider how if you allow your indignation to run away with your judgment; if you allow your judgment to be controlled by the indignation you may feel at the conduct of Waters, or at these notes having been given by the unfortunate plaintiff in this case, you may be doing injustice not only to him but to those who are to come after him. Suppose for the sake of argument he is the undoubted lineal descendant of John Morgan the brother of William, and entitled to this property in preference to Mr Nicholl, and that he had shown himself to be a person altogether unworthy to succeed to that property, would that be any reason why you should do injustice to his family by refusing to give him those rights which the evidence in this case, as I submit to you, shows him to possess? You would not listen to such a proposition for a moment even if he were proved to be tainted with the most serious crimes, and when you find that all that he has done has been to give to that wicked and designing man Waters a note of this kind obtained from him by false pretences made by Waters, you will dismiss the subject of these notes altogether from your minds, and will look simply to the questions of law and fact before you.

Now, gentlemen, one word as to Mr Williams the Interpreter. It is most fortunate for the reputation of Mr Williams that one of you gentlemen being possessed of a thorough knowledge of the Welsh language with a candour that was highly gratifying to witness, said that having watched the interpretations of Mr Williams with great anxiety and care during the whole of the examination you were able to say that Mr Williams has throughout conducted himself as an honest interpreter. What mischief has Mr Williams done? He has not distorted or perverted anything that the witnesses have said, nor has he given any evidence of his own. How, therefore, has he done any mischief? It is said that he has received a note for 500*l.* and *as that was stated in his presence and he did not rise and deny it, I suppose he did*, but it does not appear that he has done anything for it except interpret very honestly and very fairly the evidence given by the Welsh witnesses who have been called before you.

So far, Gentlemen, for those matters which I hope you will in the end dismiss from your consideration as unworthy of influencing your verdict in this case. If we were engaged in some other inquiry you

might properly intimate some opinion with regard to them, but I trust you will discard them upon the present occasion altogether when you come to consider the serious questions which are properly involved in this enquiry. Now, gentlemen, there is no doubt at all that many of the witnesses who have been called before you on the part of the plaintiff are perfectly disinterested in the evidence they have given. My learned friend Mr Whateley began his address to you this morning by stating that the defendant is a highly respectable gentleman. Nobody has ever said he is not. There is no doubt that both he and all his connections are highly respectable, and I believe I told you so yesterday. Then my friend said, "I protest I know not what advantage he has obtained by taking possession of the property." I think the advantage he has obtained by it is pretty apparent.* Why is it that possession is always said to be so advantageous? My friend has said that the defendant might have relied upon his possession alone, and so set us at defiance. Why, gentlemen, by taking possession he has had access to all the documents that were in the possession of the intestate; he has had the opportunity of examining them carefully, and of submitting them to those who were able to give him the best legal advice; he has wealth at his command, enabling him to search through parish registers, and to obtain evidence of various kinds, and with all these things at his command it would not be a matter of wonder if, when he found certain documents which seemed to be favourable to his case, he should rest satisfied without making further search, which, if he had made, might have led to the discovery of other documents inconsistent with those on which he has relied. I do not suppose for an instant that either Mr Nicholl, or those who are acting with him or for him, would conduct themselves in a dishonest or disreputable manner, but a man in possession of property sought to be recovered from him, might very well rest satisfied with finding certain documents which he thought would be sufficient to disprove the case of the plaintiff, without looking further to find something which might turn out to be prejudicial to his own interests. That is human nature,† but I think you cannot help seeing that possession gives to the defendant a very great advantage. My friend then remarked that the witnesses he had called were persons of great respectability, and he made a great many very harsh observations upon the witnesses called by me. He called Daniel Jones, a worthless man. Daniel Jones *certainly appears to have had this note, and I confess that he shifted about so much and gave his evidence in such an unsatisfactory manner* that I would not ask you to place reliance on his evidence if he were the only witness in the cause. But you can reject his evidence altogether, if you please, and consider this case as if he had never given any evidence at all, looking only to the evidence given by other witnesses against whom no imputation can be made. Then my friend says that Edmund Thomas spoke to a conver-

* Mr Alexander's client, the plaintiff, in his Bill in Chancery, filed 11th February, 1856, stated that he had only recently, and since December, 1855, "discovered the facts" from which he inferred his alleged heirship to Miss Morgan. She died 29th September, 1854. Was the possession to have been kept vacant from September, 1854, to December, 1855, to aid a claim of which the plaintiff during that time was ignorant? Had Mr Alexander seen this Bill in Chancery?

† This shocking kind of presumed villainy is not human nature except among the most base and criminal of mankind. Every will, every settlement, every paper was forthcoming and open to inspection, and not a single fact was given in evidence, or could, with the semblance of truth, be whispered to authorise this extravagant insinuation.

sation with Anne Morgan, which must have occurred either before or just after she was born. Edmund Thomas was, I think, the third witness. The charge made against Edmund Thomas by my learned friend is that he spoke to a conversation which he had with Anne Morgan before she was born, or just at the time she was born, in 1793. But, gentlemen, mistakes may be readily made in dates, though the facts spoken to may be strongly impressed upon the memory. We can all of us recollect important facts or important conversations which took place at a period long passed, and which were calculated to make an impression on our memory, though we cannot recollect the year in which the particular fact or conversation occurred, or the persons who were present at the time of its occurrence; and that observation applies also to matters even of recent occurrence. We all of us recollect hearing of the battle of Inkerman, but will any one of you undertake to say where first you heard of it, or how soon you heard of it, after the battle had been fought? I would not venture to do so myself, though I am necessarily in the habit, professionally, of exercising my memory pretty considerably. I would not undertake to say to any one, and much less would I state on oath, when I first heard it, where I stood at the time I was told of it, or who was the person from whom I first received the information. Are there no instances of mistakes made on the part of the defendant with regard to dates. Just let me ask you to recall to your recollection the evidence of Mr Iltyd Nicholl, the father of the defendant, of whom it cannot be repeated too often that he is a gentleman of the very highest respectability, and yet he is an instance to show the fallibility of human memory, even with reference to recent events, for when cross-examined by me he made frequent mistakes in the evidence he gave. He actually said that John White had been present at the funeral of William Morgan, although he had been dead six months before. Do you suppose that Mr Nicholl intended to say anything that was untrue? I do not, for one instant, believe that he would do so willingly. The fact is, that he made a mistake. He said afterwards, yes, he was dead at the time, and therefore he could not have been present, but at first he said he was present, though the fact was he was dead six months before the person whose funeral he was supposed to have attended. In the same way, when I asked him when he first found the deed of gift, he said it was shortly after the death of the intestate. It turned out that it was not found until the 21st of February, 1856. He said at first that it was found in July, 1854. I then said, that could not be, for the intestate did not die till the 29th of September, 1854. He then said, that it could not be as he had at first said; it was about a month after her death; in October. I said she died in September. Mr Nicholl said, "It was found a month after her death." I said, "I think you had better recollect yourself." "Yes; it was found about a month after death." I then explained to him, because I was anxious that a gentleman of his respectability should not be entrapped into an answer which he could not abide by, that it must have been two years after her death, and he said, "Yes; it was in February, 1856." There you have an instance of a gentleman of intelligence, education, and high position making mistakes as to dates, and can you wonder that the same thing should be done by persons in humble life, such as those who have been called before you as witnesses on the part of the plaintiff in this case. Then, gentlemen, let me call your attention to the evidence of Miss Nicholl, who spoke to statements made by Miss Rachel Morgan, the intestate, as to her (Miss Nicholl's) mother being her next male heir; a curious mistake into which the

old lady fell. This must have been shortly before Miss Rachel Morgan's death; only three or four years ago at the utmost. She says, "I believe Mr William Morgan died in 1848." Why, gentlemen, he died in 1843, five years before the time she supposes. And then she says what she might safely say, "I do not remember dates with accuracy." She is a person of intelligence and education, whose memory would of course be exercised by the various accomplishments she has no doubt learned, and yet she makes these mistakes, into which a person of ordinary attention would not be apt, one would think, to fall. When asked in cross-examination how long before the death of Mr William Morgan it was that the conversation to which she speaks took place, she says it was four or five years before his death. That would bring it to 1839. Then afterwards she says, "I cannot tell within ten years when the conversation took place."*

Gentlemen, I do not make any charge whatever against Miss Nicholl—Heaven forbid that I should do so. I only refer to it to show you that even persons in her position, and with her advantages, cannot recollect dates with accuracy, and why is Edmund Morgan, my witness, to be charged with wilfully giving false evidence, when you find the same amount of inaccuracy in the evidence given by these members of the Nicholl family, who cannot say within ten years what was the date of a particular fact to which they speak. Now, Miss Nicholl followed as a witness her brother, Mr George Nicholl, and it certainly is an extraordinary coincidence that with reference to an enquiry which he made of Miss Rachel Morgan, he says it was in the year of the Great Exhibition, and that when Miss Nicholl is called, and speaks to a conversation which she had with Miss Rachel Morgan, she also fixes the year of the Great Exhibition. It certainly is an odd coincidence that both those witnesses, instead of saying it was in the year 1851 or 1852, should say it was in the year of the Great Exhibition. She says her brother William was then alive. It was four or five years before his death. She says, the old lady told her that her mother was their "male heir," and that when she was asked for an explanation of that, she said it was by the male side. At that time the brother was not dead. He might have made a will, and might have left the property to you or to me, or to any other person. The two sisters also were alive. Each of them might have made a will. They were not sure that William Morgan might not have made a will disinheriting them both. She might have made a will herself, and left the property to anybody she pleased. Her sisters Anne also might have made a will, and yet Miss Rachel Morgan is represented to have said that the Nicholls were her heirs, and that the defendant would succeed to the property. Miss Nicholl states that the conversation took place four or five years before the death of William Morgan. He was a hale man up to a few days before his death. He might have made a will at any time before his death. Rachel might have made a will, and Anne might have made a will. It is idle, therefore, to talk of the Nicholls being the next heirs. It is a strange thing too that Mr George Nicholl, the brother of the defendant, should have been making enquiries of his mother

* The very foundation of the plaintiff's case depended on the accuracy of the statements of his witnesses. They could not be corrected—there was no other evidence. Admit their inaccuracy, and his case failed. On the part of the defendant, his case was proved by documentary evidence; the hearsay of his witnesses was not necessary to prove his descent or his title. The errors made by his witnesses showed the absence of all combination, and were obviously mistakes easy of correction by other undisputed evidence.

at that time as to her relationship to Miss Morgan, and as to the degrees of relationship in which they stood to each other. He says, that upon that occasion his mother told him she clearly recollected that her grandmother had one brother and two sisters. Now, if you look at dates, you will see that the mother could not have recollected that her grandmother had those relations. She died at the age of seventy-three in 1849. She must have been born in 1776. You will recollect that William Morgan, the grandfather of the testatrix, died in the year 1772, therefore, she could not have been speaking of her own knowledge, and therefore the same observation applies to that as applies to other parts of the case, that the evidence is negatived by facts as to which there can be no mistake.*

Now, gentlemen, my friend admitted at the outset of this case that a great part of the evidence which he had to give was of a negative kind, which in his judgment was better than positive evidence, but that in other instances it was positive.† It does not occur to my meagre imagination how any class of negative evidence can be better than positive evidence. How can you say that negative evidence is better than positive evidence where a man says "I remember that on such and such an occasion I heard such a Morgan say of such another Morgan that he was his cousin." I always thought that negative evidence was evidence of the weakest kind. If a person says "I have not heard of such and such persons, or if I have, I do not recollect it," that is negative evidence, and is not likely to make any impression upon the mind of the party addressed, but when I hear of a person being a friend's relative, that is a positive statement which does make an impression upon my mind. The evidence on the part of the defendant is almost wholly of a negative character,‡ and my friend feeling that, refers to the evidence of Mr McDonnell and Mr Nicholl, and he speaks of Mr McDonnell as a person who from his long and familiar connection with the family as their solicitor, first in connection with his first employer Mr Prothero, and afterwards on his own account, can give you valuable testimony. Why, gentlemen, Mr McDonnell did not know the name of the grandfather. Now, in order that there may be no mistake upon that subject, I will refer to Mr McDonnell's evidence. He says "I never heard that John's father was William." John is the person whose brotherhood with William is in dispute, but Mr McDonnell cannot carry his hearsay evidence further back than the father of Rachel Morgan the intestate, whose solicitor he was. But then Mr McDonnell says "Miss Rachel Morgan and Anne Morgan also spoke of Mrs Rogers as their aunt. That is confirmatory of a Welsh custom which is said to prevail for first cousins once removed to call their respective father's cousins or mother's cousins, uncles and aunts. He says William Morgan always called Mr White, a tradesman at Pontypool, "cousin." I think that if he did that there is nothing in my friend's observation that he would not be likely to call the farmer who lived at Greeslanfro his cousin. My friend says that Mr William Morgan was a gentleman of property and

* The truth of the statement is, however, proved by the deeds, wills, &c. It is clear Mrs Nicholl had no information of the existence of this pretended cousin, the plaintiff, or of his ancestors.

† The positive evidence of Mr Nicholl's title was perfect and complete. The negative evidence shut out the very shadow of possibility that the case of the plaintiff could be true.

‡ The reply to a false claim of consanguinity must be chiefly negative.

station; that he had served the office of High Sheriff of the county, and that it was not likely that he would be on terms of familiarity with persons in a much lower station of life.* Mr McDonnell, however, says that he always called Mr White, a tradesman at Pontypool, his cousin, and therefore there is nothing remarkable in his calling Mr Morgan of Groeslanfro his cousin also. He does not appear to have been a person who carried himself haughtily in the world. His carpenter acted as his valet. He was in the habit of shaving him and was employed as a carpenter at weekly wages, and with him he talked in the most free and familiar manner. He does not appear to have been a man who carried himself proudly, or who lived in an ostentatious or extravagant manner, but he appears to have been just the sort of man who would be likely to go over as he is stated to have done to the Rosser's house at St Bride's; to put his horse up there, and while eating his bread and cheese and drinking his cup of "clean water" (as the witness expressed it) to have talked with them about their neighbours and friends the Morgans of Groeslanfro, and to have assumed that familiar conversational tone which he adopted and used when he first made acquaintance with Daniel Jones. It seems to be the most natural thing in the world that he should have talked to these people as he did. My friend then says "Gentlemen, you are called upon on such evidence as this plaintiff has laid before you to take away property from those who are in possession of it." Why, gentlemen, anybody coming into court at the moment my friend said that would naturally exclaim "What unrighteous cause is this?" He would have supposed that the family of the defendant had been in possession of the property for centuries, and that my friend Mr Whateley was fulminating his wrath and pouring out the full measure of his just indignation against those who were seeking improperly to deprive him of it by an action of ejectment. Why, gentlemen, if Mr Nicholl were to give his own unbiassed opinion he would say at once, "I cannot complain of this property being taken away from me if I have no right to it." What right has my friend to assume the tone he does? as if this property had been in the possession of the Nicholl family for centuries, and as if their dearest memories and most cherished associations were connected with it. Then my friend says "There were no invitations sent to these people to attend Mr White's funeral, as there would have been if they had been relations." Do you think it at all probable that they would send an invitation to that old man who has been called here, and who lived in a hut in Tredegar park? Do you think that either the undertaker or the relations would be likely to suggest anything of the kind? You recollect that when honest Mr Rosser applied to them for some assistance to be given to a member of the family who had fallen into misfortune, it produced no good result, and do you think that they would have sought out Sir Charles Morgan's pensioner, in order that he might attend Mr White's funeral, because there was no one else to walk with Mr Morgan there? The whole case as I submit to you is intelligible, if you consider the falling fortunes of the one branch of the family, and the rising fortunes of the other. Edmund Morgan had a large family, three children by one wife, and five by another. William Morgan had a family, and Isaac Morgan had a son, the plaintiff. Isaac Morgan you remember ran away at the time of the chartist

* The Whites were recognised by all the members of the family. How was it the poor Morgans knew nothing of the poor Whites?

riots, leaving his son fatherless and his wife a widow.* The one family was going down in the world, while the other was rising, and what so natural as that they should become separated the one from the other? Distance separated them too. They lived fourteen or fifteen miles from Pantygoitre, and they were separated also by reason of the poverty of the one branch of the family and the wealth and position of the other. My learned friend then says (and this is his great point to which he says he wishes me to direct my attention at once) that he has laid before you several most important documents in support of his case. There are just four of them. One is the will of Florence Morgan dated in the year 1712, another is a marriage settlement dated in 1741, the 3rd is the deed of gift which has been so often referred to dated in 1741, and the 4th is the will of the 2nd of September 1741. Now this is the will of Florence which I will read to you. "I Florence Morgan, &c." (reads the will). Now, gentlemen, this is put in for the purpose of showing that there was no bequest made to John Morgan. That is quite true, but at the same time you will observe that there was no bequest made to Anne. There was another granddaughter to whom no bequest was made, and I might therefore just as well say that Anne never existed because she is never mentioned in Florence's will. There is a bequest made to William and to Elizabeth through whom Mr Nicholl claims, but there is no bequest made to Anne. Therefore I think I may at once dismiss the will of Florence as being a document which goes a very little way to disprove the case of the plaintiff. It really proves nothing whatever. It is not for me to foretell what opinion my lord may express to you, but I anticipate that his lordship will tell you that it really proves nothing whatever.

Then, gentlemen, the next document on which my learned friend relies is the marriage settlement of William Morgan and Rachel Jones. That, I believe, is put in merely for the purpose of one of these short recitals contained in it. If it is put in for any other purpose, my friend will tell me what that purpose is? It is a deed purporting to be made between William Morgan the elder, of the parish of Mamhilad, in the county of Monmouth, gentleman, son and heir of Edmund Morgan, late of the said parish and county, gentleman, and Catherine his wife, both deceased, and William Morgan the younger, of the same place and county, gentleman, son and heir apparent of the said William Morgan, by Eleanor his late wife. If he was the son and heir apparent, that does not exclude the possibility of there having been a John also. There must have been half-a-dozen other sons, though their names are not mentioned. It is said that William was the eldest son; if so, he was the heir apparent, and he would be properly so described. What is said when a lady is brought to bed with her first child, if it happens to be a son; on such a day "Mrs Jones, of a son and heir." An eldest son is the son and heir apparent. The other children must have been dead, or they might have been existing at that time. If they were existing at that time, the recital would be quite true that

* And this runaway from the "fatherless" son and "widowed" mother is now a live plaintiff in a new action, and will probably ask Mr Alexander to condescend to advocate his claim. The late disconsolate family and their counsel may illustrate the value of hearsay evidence, and sing:

"For no tidings could I get of you, Jack Robinson,
For somebody came to me one day and said
That somebody else had somewhere read
In some newspaper as how as you were dead.
'I've not been dead at all,' said Jack Robinson."

William Morgan was the son and heir apparent, and such a recital would not conclude our rights in the slightest particular. Then we next have the will of William Morgan, with that very strange signature which is observable in all documents signed by him. You remember the discussion upon that subject which took place last night, and which was renewed this morning. It is in these terms, "In the name of God, amen," &c. (reads the will). My learned friend would have you to infer from the statement in this will that there was no other son. The description, "my son," however, does not exclude by any means the possibility of his having had another son, and of that other son being dead, or even in existence at that time. All he gives to his son William Morgan is one clock and case, and one long table, and the screen now in the kitchen of his dwelling-house. The bulk of his property is given to Anne. A few articles of furniture are given to William, and the household goods are to be divided between the sisters, and then because a table or a chair is not given to the son John, whereas a clock-case, a table, and a screen are given to William, you are asked therefore to infer that there never was a son John in existence. Gentlemen, it is not for me to say that the defendant's case vanishes altogether, but I think I am entitled to ask you gravely to consider how far documents such as these ought to be held successfully to combat the positive evidence which you have heard from the witnesses who have been called before you on the part of the plaintiff.

I will now, gentlemen, ask your attention to the deed of gift which has been so often referred to, and upon which my learned friend, on the part of the defendant, so entirely relies, because I do not think that in candour or conscience, divested of that natural bias which we all acquire in favour of the side we advocate, would say that the other documents to which I have just referred are entitled to any consideration at your hands. Now here is the deed of gift: "Know all men by these presents that I, William Morgan the elder, of the parish of Mamhilad, in the county of Monmouth, gentleman, for and in consideration of the natural love and affection which I have and bear unto *my only son and heir*, William Morgan the younger, of the said parish of Mamhilad and county aforesaid, and in consideration of the marriage intended to be had and solemnised between my said son, William Morgan the younger, and Rachel, eldest daughter of John Jones of Graigwith, within the parish of Langibby," &c.* After enumerating all the implements of husbandry, there is put in, in lawyer's language, "with the appurtenances," showing the magniloquent terms in which this deed is expressed, and he gives, I see, to his heirs the sheep which would, of course, be killed in the course of a few months, showing what a strange kind of document it was. Now it is laid before you for the purpose of making you suppose that William was the only son, and they say because he is so described in this deed of gift it is impossible that there could have been another son. Now I ask you to bear in mind that this young Morgan was about to be married to Miss Jones, the co-heiress of Graigwith. It was evidently a great match for the Morgan family, and no doubt the old gentleman

* Notwithstanding the insinuation in his opening address and his remarks on the letter of Mr Waddington, it was impossible for Mr Alexander to contest the perfectly genuine character of this document. Firstly, it was *stamped* in the reign of George II; secondly, the original draft existed; and thirdly, the lawyer's bill in which it is charged for exists. It was free from all suspicion, and was properly so dealt with in this part of the case.

was anxious to make as great a display as he could by his will, which is a gift only of his personal property to his son. It is quite possible that he may have introduced these words in order to make his son appear to be, as in fact he was, his heir, who was to be the possessor of his landed property. He did die intestate as to his landed property, for in his will he deals only with his personalty, and he probably called him his only son and heir by way of denoting that the whole of his landed property was to go to him. But what is there in that that is inconsistent with there having been another son John, the brother of that William? My friend, Mr Whateley, felt that, and therefore he said with an air of triumph, "It is proved that he was living in the year 1746, because the tombstone, a copy of which has been given in evidence, speaks of Diana Morgan as the *wife* of John. And my friend says that if John Morgan had not then been alive she would have been described as his *widow*. Why, gentlemen, if you take a walk through Monmouth or any other churchyard, you will as often find a widow described as wife as you will find her described as widow.* But I need not ask you to go so far as even Monmouth churchyard, for there is in this cause, proved in evidence, a tablet to the memory of John Morgan and Rachel Evans, in which it is stated that John Morgan died on such a day in the year 1806, and that Rachel, his wife (not his widow), died in 1824, nineteen years afterwards. What then becomes of my friend's triumphant statement that it is clear that John was alive in 1746, because Diana is called his *wife*, when his lordship will find upon his notes that upon the tablet erected to the memory of John and Rachel Jones, Rachel is called his wife, though she did not die till nineteen years after him. That is the whole of the evidence (and that is taken from us, for we it was who put in the inscription on Diana's tombstone) to prove conclusively (as my friend says) that John must have been living at the date of his father's deed of gift. I say it is no proof whatever on the subject, and that the recital in the deed of gift is quite consistent with his having had a son John, or a son of any other name, and with that son John having been the husband of Diana, whose tombstone is found in the place where old Harry Morgan says you might expect to find it.

Now, gentlemen, there was an omission in the examination of Harry Morgan, with reference to the place where his grandmother is said to have been buried; and before the close of the case yesterday he was recalled, for the purpose of his being asked what had been said about his grandmother's burying-place. He says: "I heard my father say that my grandmother was buried at Penygarn, at the meeting-house there, and that she was a dissenter. He said that her name was Diana." Diana is not by any means a common name. On Harry Morgan being recalled for the purpose I have just stated, my friends did not put any question to him in cross-examination. What do we do? Having had that information from Harry Morgan, we got to Penygarn churchyard or burying-ground, and there we found a tombstone answering the description previously given.† Is it supposed that

* A tombstone placed to record the names of a man and his wife, both being dead, might describe them as man and "wife," and not use the word "widow" if the wife had survived; but a tombstone to record the death of the wife alone, if she survived the husband, would not probably be found to use the relative term "wife," but only the positive and descriptive term "widow" or "relict." "John Morgan" is not named on the tombstone as being dead.

† Was it not that the tombstone was found, and then some person went to Harry Morgan?

that stone was put there designedly? Is there anything to show that it was fabricated for the purpose of this cause? There is no foundation for any suggestion of the kind, nor indeed has any such suggestion been made. The witness stated to you the position in which the tombstone was found, and he told you that when he went there afterwards he found it a good deal covered with dirt. I should not wonder if some other persons had been examining it. What is that inscription? "Here lieth the body of Diana, wife of John Morgan, who died May 17th, 1746, aged 47 years;" and because Diana Morgan is there described as a wife and not as a widow, my learned friend says that that is conclusive to show that at the time of the deed of gift John Morgan was living, forgetful altogether of the inscription on the tablet that was produced and proved ten minutes afterwards, in which Rachel Jones is described as the wife of John Jones, nineteen years after the death of her husband. I say there is nothing in the tombstone or in the deed of gift which proves conclusively, if at all, that there might not have been a son John, who was dead. It is not inconsistent with the ages of the parties. Diana, the wife of John Morgan, died at the age of forty-seven years. William Morgan, the elder brother of John, was born in 1704. The eldest of all the family, Elizabeth, was born in 1700. The marriage took place in 1697. Then Elizabeth was born in 1700, and William Morgan was born in 1704. Of John Morgan we have been unable to find the baptismal Register, but he might have been born in 1706, and might have died a married man in 1741, at the age of thirty-five, or at some time within that period with reference to which the Registers are absent. What I am now trying to impress upon you is that there is nothing in the case which conclusively proves that there was not a John in existence,* and that, after all, is the main point on which my learned friend is obliged to rest the case of his client, Mr Nicholl, because in no other way can he in the slightest degree contradict the irrefragable testimony which we have called before you.

And now, gentlemen, let me call your attention to the testimony which we have given on the part of the plaintiff, and let me ask whether my learned friend is justified in saying that the case of the plaintiff entirely vanishes and is undeserving of the slightest consideration. In the first place, we called before you three most important witnesses,—Harry Morgan, Amy Evans, and Anne Evans. It is not, of course, for me to say to what conclusion you ought to come; but I ask you to judge calmly and dispassionately what the demeanour of those witnesses was, and whether it was not such as to entitle them to credit at your hands. Do you believe that they have been tutored to tell the story they have told you. I should like to know how that old lady who, by the aid of a speaking-trumpet and the familiar tones of her son's voice, we were enabled to examine, but who could not have heard any other voice in court, however powerful, could have been tutored. Do you believe for one moment that she was tutored to tell the story she did, and that she was perjured in telling it? Do you believe that she was bribed to come here and state what she did, or that it would have been physically possible to instil into her mind any story that she was desired to tell, and that she would have told it in the natural way in which she gave her evidence, afflicted as you saw she was with the infirmity of extreme deafness? These witnesses, the great uncles and aunts of the claimant, and who have lived to that

* And you have not proved his relationship at all.

advanced period of life when people are able to carry back their memory to very remote periods, are totally uncontradicted. My friend says that there were some small discrepancies between the evidence they gave here and at Bristol, but which he thinks it not worth while to notice; and I should certainly expect that my friend would not deal with puerilities of that kind, when he recollected the errors and inconsistencies that were found in the evidence given by Mr Nicholl and his daughter as to dates. All human minds are liable to commit such errors, and the witnesses called on the part of the plaintiff ought to have as much charity shown to them as I am quite willing to show to Mr Nicholl and the members of his family. I say that my witnesses have told you a perfectly coherent and consistent story. When Harry Morgan was first called he was not cross-examined. He was afterwards recalled to speak to declarations which he had heard the elder members of the family make; and having told you that he was Edmund Morgan's son by his second wife he says, "I heard my father say my grandfather and Mr Morgan of Graigwith's father were brothers." He is uncontradicted as to that, and what is the conclusion to be drawn from it? It is stated positively by the witness.* And was the statement to which he speaks made by a person who had the means of knowing how the fact was? It was stated by Edmund Morgan, the father of Harry Morgan. The witness is speaking of his own father's statement. Have not you, gentlemen, each of you, heard your father at some time say who his father was? It was a declaration made by a person who had ample means of knowing how the fact was. It was a statement made by Edmund Morgan to his own son. The witness says, "I heard my father say that my grandfather and Mr Morgan of Graigwith were cousins. I heard my father speak of the children of John Morgan of Graigwith; that is of two daughters and a son." That is coming down to Rachel the intestate. "I have heard him say that those children and we were second cousins." Now old Edmund did not die till July 1818. He died at a great age, and therefore he was quite capable of knowing Rachel and William Morgan. He says, "I have heard my father say those people and I were cousins. I have seen John Morgan of Graigwith in company with my father many times, and I have heard my father say that John his father and William Morgan of Mamhilad were two brothers." That is positive evidence, given by an old man aged seventy-five or seventy-six, who my friend would have you believe has perjured himself, although he is corroborated by the evidence of his sister and by the evidence of other witnesses who have been examined before you. Do you think that the memory of an old man like that is such as to make it possible for him to be tutored? Let the most ingenious suborner of perjury who ever disgraced a court of justice endeavour to tutor such a man as that, and I would defy him to do it. The mind of a man like that dwells on facts and conversations which occurred long and long ago, and he thinks of them as he sits brooding over bye-gone times, for the

* Direct contradiction of what he alone said that he had heard was impossible. He swore without qualification that Isaac Morgan was dead (p. 13). His examination commenced with a series of important errors, and he evidently felt that "Diana" was the pivot of his statement (p. 12). After the rehearsal of his evidence at Bristol, where the Rev. Chancellor Williams was his interpreter, his statements got more accurate (p. 53). He was fourteen years in the Union Workhouse, did not know some of his alleged nearest relations even by name, and he was personally ignorant of his alleged near relations who lived not far off when poverty was sharply biting him (p. 55).

memory is tenacious as to bye-gone events, though it is apt to forget occurrences of a more recent date. An aged man of eighty or ninety will constantly recollect and speak of what happened fifty or sixty years ago, or further back than that, though he will forget things that happened last week. Do you think that these aged witnesses could have borne such tutoring as my friend would have you believe they have had, if such diabolical wickedness had been attempted to be practised? I say it is physically impossible.* What more does Harry Morgan say? He says, "I did not know Morris or White." My friend says, can you believe that if these people knew the Morgans they would not have known the Whites? I think that nothing is more natural. Their minds dwelt upon the wealthy representatives of the Morgan family. They did not know anything of those who had changed their names and had wandered forth into other districts. Mrs Anne Morgan married Mr White, and moved away to Pontypool, and probably was not thought of at all; but their minds dwelt upon the heads of the family, who were increasing in wealth and to whom it was felt to be an honour to be related, though it was attended with such little profit. Although they would lose sight of the daughters they would willingly encourage the recollection of those members of the family who were still the representatives of the old branch of the Morgans, who were still in possession of Mamhilad and the acquired domains of Graigwith; and they being in a position of affluence, it was very natural that they should dwell on them as their richer relations who still retained the family name. Then, gentlemen, Harry Morgan was followed by that poor woman (born in 1774) who was so fearfully deaf, as you remember (p. 56). I say nothing more as to the difficulty there would have been in teaching her a story. She tells you, "I knew John Morgan of Graigwith. I heard my father say (that is Edmund, you know) that John was his cousin." How could they have been cousins except by being brother's sons? I defy any other interpretation to be put upon it.† "I saw him many times when he used to come to Groeslanfro. I saw him many times. His business was that of a farmer, and he came to confer on farming matters with him. I have heard John Morgan speak many times about my father. I heard him say he was a cousin, and he called him Cousin Edmund." There is a positive fact. "My father used to call him cousin John of Graigwith, and he called my father Cousin Edmund. He always asked for Cousin Edmund, when he came to our house. My father told me my grandmother's name was Diana, and that my grandfather's name was John." There you find the name transmitted. You find Edmund is the name of the father of William Morgan, the common ancestor. The name of Edmund is transmitted to Edmund the son of John. Then, again, you find the family name of Diana often (!) occurring. There is Diana the wife of John Morgan, who was buried at Penygarn churchyard; and it is not an immaterial circumstance that you find these names, Edmund and Diana, thus transmitted through that branch of the family in which those names would natu-

* Then you never heard nor read of a Welsh pedigree case before. In the BHI in Chancery the alleged John Morgan, the pretended grandfather of this Harry Morgan, was stated to have died in 1762. After the deed of gift of 1741 was shown, it was assumed that he died before 1741, and the memory of some of the witnesses perhaps advanced twenty years in improvement.

† It was certainly very disappointing that the old lady would only say "cousin." Therefore Mr Alexander becomes defiant. The name used at Bristol becomes changed at Monmouth (p. 57-58).

rally be found, if the theory of the plaintiff's case is correct.* Then, gentlemen, Amy Evans was followed by Anne Evans, who was examined by me. She said, "William Morgan always said, when he came to Groeslanfro, 'Where is my Cousin Edmund?' My father used to go sometimes on a Sunday in the direction of Graigwith, and when I asked him where he was going, he used to say he was going to William Morgan of Graigwith, his cousin." One witness, therefore, having spoken of the assertions of John Morgan, the other speaks to those of William Morgan to the same purport and effect. Anne Evans had not the same dreadful infirmity of deafness that her sister had; but I submit to you that there was nothing in her manner to induce you to believe that she came here to tell either a perjured or a tutored story.

We then called John Rowlands (p. 62), a remarkably intelligent witness, who spoke to dates with a degree of accuracy which I think was quite exceptional. My friend thought fit to call him a poor wretched man. What does that witness say? He says, "I heard Edmund Morgan say that he would be a rich man if he lived after Mr Morgan of Graigwith. He said they were two cousins, the children of two brothers." Now, this man is asked by my friend when this took place, and he says, "It took place when I was about fourteen years of age, and I am now seventy-four, and Edmund Morgan lived fifteen years after that." It turns out that the man is perfectly correct in his calculation, for that Edmund Morgan was buried in the year 1810, so that his evidence with regard to dates tallies precisely with the dates given from other sources, such as parish registers, and so on, and yet this man, who gave his evidence in such a way as I think you will say entitled him to credit, is called by my friend "That poor wretched man, John Rowlands."†

We then called George Llewellyn (p. 63) the gardener. Does he say anything of importance? Just hear what he says: "I have heard William Morgan, with whom I lodged at Cock-o'-north, speak to Isaac, the father of the present claimant; he said he would be the heir if the Morgans died without issue. I only knew William, the brother of Rachel. I heard William, the brother of Rachel, say to Isaac that he would be his heir if he died without issue, and he told him to keep close to his school, for that it would be a benefit to him in the course of time." Then he was cross-examined at great length as to the age of Isaac at that time. He said he was eighteen, and then it was supposed that a great discovery was made, and that he would not be likely when he was at that age to be attending school, but the witness said, "Yes; he had a quarter's schooling now and then, when his father could afford it." He was not a regular scholar during the whole eighteen years of his life, but he had a quarter's schooling now and then, when his father, who seems to have been down in the world, could afford it. So that the old man's advice to him to attend to his schooling, for it would be a benefit to him in after life, was perfectly natural and appropriate. He said "he was going to Graigwith to visit his cousin." When he came back, after an absence of three days, he said that "the old lady had been very kind, and that he and his cousin had enjoyed them-

* Who ever heard of Christian names being urged as if they were positive evidence of descent? Were the jury sworn to find according to suggested theories, or according to evidence! Where, also, was this second Diana baptised, and when? Tombstones suggest Christian names for days of christening.

† He said, he had the conversation sixty years ago, and that he told it for the first time "about ten weeks ago." If his statement were true, Mr Alexanders should have told the jury, that it was miraculous and that he believed in it.

selves very much." Is this witness, George Llewellyn, telling you a perjured story? In Heaven's name, what object or what interest has he in this matter? He is not connected with the family. Harry Morgan and the two Ryans's are the great uncle and aunts of Jacob Morgan, the claimant, but what possible object can George Llewellyn have to come here for the purpose of telling you a story which is untrue? Is he shown to bear any ill-will against Mr Nicholl, or to have any peculiar favour to Jacob Morgan?*

Then, gentlemen, George Llewellyn is followed by Walter Waters, and a good deal has been said about his producing a piece of paper on which was written the word "Cyvartha" (p. 67). I think that the very fact of a man producing it as he did, shewed that it was done with an honest purpose. If he had been dishonest he would have kept the paper, and said nothing about it, instead of which he voluntarily produced it from his breeches pocket. He says, I got my son to write it down for me for fear I should make a mistake. Some of you gentlemen are acquainted with the Welsh language, and know whether in speaking of such a relationship as that which existed, a person would be likely to make a mistake. He is an old man, and the word is written by his own son at his own request, in order that he might not forget to state what the exact degree of relationship was. He says he spoke to William Morgan, who was living at the cattle-shed, this man being in the service of Sir Charles Morgan, and attending to his cattle, or whatever beasts he had there. It appears that the only bounty poor William Morgan ever received in his life was from the well-known liberality and benevolence of Sir Charles Morgan, who kindly allowed him to live in that obscure position in his park. This witness says that William Morgan told him that he and Morgan of Graigwith were two second cousins. He said he was a chatty old man. I suppose he had nothing to do but to draw his pension and live an idle life.

Then he was followed by Thomas Thomas, who spoke to what Isaac Morgan had told him. We come now lower down in the pedigree. Isaac, you know, was the father of the claimant. He last appeared at the chartist riots at Newport, and *has never been heard of since*. This witness, Thomas Thomas, says that Isaac Morgan told him that he was heir to the Pantygoitre property.

Then Anne Morgan, the mother of the plaintiff, was called by me to prove her husband's disappearance, *but my lord thought that her evidence might be dispensed with*, and therefore she was not examined.

Emma Thomas was the next witness, and she said that when Isaac Morgan was hiding at Bristol two days in her house after the chartist riots, he having escaped the hands of justice, he stated to her that he had a rich aunt near Pontypool—no doubt referring to Rachel Morgan, from whom he had some expectation, so that his story is consistent with that of the other witnesses who speak to declarations made by different members of the family from generation to generation.

Now, gentlemen, I have purposely kept to the last a mass of evidence which I say is quite incontrovertible and beyond suspicion, and that is the evidence of the Rossers. My friend himself felt it to be so, and passed it over with a very few remarks. He said, with reference to the evidence given by those witnesses, that we thought by mul-

* He said he heard William Morgan (who died in 1843) tell Isaac Morgan (who died in 1844) that he should be his heir provided he died without issue (p. 64). How was it they kept quiet when the survivorship took place, if this were true?

tipling witnesses we should multiply facts. I should be glad to know what my friend would have said if we had contented ourselves with calling one Rosser. My friend, Mr Gray, who cross-examined the first member of the Rosser family whom we examined, made it indispensable for us to call the rest, because he asked him who was present at these conversations; the witness said, "my sister and my brother." In consequence, therefore, of that cross-examination we were obliged to call them, though we should certainly not have done so if it had not been for that cross-examination. Now, is there anything in the demeanour of those Rossers which shows a deficiency of respectability, or a disregard for truth? What had the Rossers to do with the Morgan family? He says he recollects William Morgan, the father of the witness, at Bassaleg. It appears that there was no family connection, no intimacy, not even any acquaintance between William Morgan and the Rossers until William Morgan bought a small property of about nine acres at St Bride's, from a Mr Phillips. One of the Rossers tells you that the first time he saw him was when he purchased the property—there being no house of entertainment there, he put up his horse at the Rossers' house, where he went in and had refreshment. He took the old man, or one of the sons, to look at the property, and occasionally consulted them as to the manner in which it should be dealt with, and also about the sea-wall—that led to an intimacy between them, but to nothing more. They did not seek him, but he came frequently to their house. Afterwards he let the land to the father of the witness, John Rosser, but so far from their seeking him, I believe there is but one instance spoken of of the Rossers going to his house, and that was when one of them went with a bill for the sea-wall to receive the amount. Then he comes in and talks to them in the kitchen. My learned friend, Mr Gray, who thought he could not be too particular in his cross-examination of the witness, who was speaking to events which occurred long since, asked him whether there was a fire in the room.

MR GRAY. I deny it.

MR ALEXANDER. I took it down at the time (p. 50). My friend might as well have asked him whether he saw a poker and tongs there. Now John Rosser says that William Morgan put up his horse at his father's house. He said he had a cousin who lived at Groeslanfro; my father said "It would not be much for you, Sir, to render him some assistance; a few pounds would do him much good." William Morgan said "Oh I will remember him some time or other, Rosser." Then Thomas Rosser, the brother of the last witness, was examined. He is about sixty-four years of age. He says William Morgan came frequently to my father's house. He said that Mr Morgan of Groeslanfro and himself were distant relations, and that the Morgans of Groeslanfro and the Morgans of Graigwith were first cousins. That is Thomas Rosser's evidence. How they could be first cousins unless they were brother's children it is impossible to conceive. Now, gentlemen, if witnesses are to be discredited because they have had the misfortune to fall into poverty, I do not think that that will apply to the Rossers. They seem to be persons who are well to do in the world. Poverty is no reproach, however, if it is the result of misfortune, and a poor man if honest is as much entitled to credit as the richest man in the land, ay and will receive it too at the hands of a British jury.* Thomas Rosser says "My

* William Rosser stated he did not join (p. 51) in the conversation he related. He is fifty-eight years old, and heard the conversation forty-eight, or more, years ago: being then, therefore, nine or ten years of age. Precocious child!

father said the world was turning against Mr Morgan of Bassaleg." He therefore took an interest in his affairs, and asked his rich relation Mr Morgan of Graigwith to assist him (p. 39.) That was a charitable interposition on the part of the old man on behalf of Morgan of Bassaleg. It was a most natural thing for him to do, and is very much opposed to the supposition of anything like art or contrivance. Unfortunately his interposition was not attended with any good result, for rich Mr Morgan of Graigwith did not administer to poor Mr Morgan's necessities. Now my learned friend cross-examined Thomas Rosser at very considerable length, but I submit to you that the evidence he had given in chief was altogether untouched, and therefore I submit to you that it is entitled to your favourable consideration.* Then, gentlemen, came Ann Rosser, who is seventy years old. She said "William Morgan of Graigwith came frequently to our house at first (that is while he held the land in his own hands) but not so frequently after my father rented it; I heard him say that he had cousins at Bassaleg." Then these are her words: "Of times he mentioned a relationship, but not always;" he said "I have a family at Bassaleg, and William is his name, who is my cousin." Now the word family did not mean that he had children, but he used the word to signify that a portion of his family lived there. "I have a family at Bassaleg, and William is his name, who is my cousin." Ann Rosser also is cross-examined by my friend, but her evidence in chief is not touched or shaken at all. Then we called William Rosser of Bethesda. He is no relation, but he it was who had the conversation with Watkyn who died; the elder brother of Harry Morgan by Mary Davis, the second wife of Edmund; and he said that Watkyn pointed out John Morgan of Graigwith as his uncle. Then we have another William Rosser of Machen, another member of the same respectable family as John Rosser. They seem all to have lived together most happily as a united family. He says he is the son of Thomas Rosser of St Bride's. "I knew Mr Morgan of Graigwith; I have seen him when he has come to my father's house and put up his horse there, and have heard him mention Edmund Morgan of Groeslanfro. My father said to Mr Morgan 'Being so bold, Sir, may I ask who are your relations in this neighbourhood?' "Is not that a most natural thing to occur? "He said Edmund Morgan of Groeslanfro was the nearest relation he knew anything of. He said 'he was cousin to his father.'" I think, gentlemen, that the very phrase used by this witness in repeating the conversation, "Being so bold, Sir, may I ask who are your relations in this neighbourhood?" sounds very like a true statement. It was a perfectly natural question for him to ask under the circumstances, and appears to me to be quite consistent with truth, and inconsistent with falsehood, prevarication, and perjury. Then Harry Morgan was recalled, and I have already remarked upon the evidence which he then gave as well as I believe upon the rest of the evidence in the case. I fear that I must have wearied you by going through their evidence in so much detail, but you will make allowances for that considering the importance of the case, the interests that are involved in it, and the length of time this enquiry has occupied. I do not think it is necessary for me to trouble you with any further observations upon the testimony which has been given in the case. At the end of it I say as I said at the beginning, the question is, as to the brotherhood of John Morgan to William Morgan. I say, gentlemen, that

* During the examination of this witness, Thomas Rosser, the judge seems to have suspected the interpreter (pp. 39-40).

this is a most important case, and that it requires your anxious deliberation. I say that the positive testimony which we have given through witnesses in possession of their minds and memories, so as to be able to speak with accuracy to the facts to which they depose, is of such a character as to be entitled to the gravest and greatest consideration on your part. I say that the negative evidence which has been given on the part of the defendant is not entitled to any weight, opposed as it is to the positive evidence given on the part of the plaintiff. I say that the documents which my learned friends have produced, and on which they solely or at all events mainly rely, are not of such a nature as should affect the rights of the plaintiff in this instance, inasmuch as they are quite consistent with the existence of John Morgan, the brother of William, or with his having ceased to exist, or with his having been disinherited at the time of the deed of gift in question. Now there are but two other documents that remain to be referred to, if documents they can be called. One of them is that Prayer Book which was put in as a sort of appendix to the defendant's case, for I do not think it was formally put in evidence until my friend Mr Whateley had far advanced in his address to you. I have not had an opportunity of seeing it, but I can rely on the accuracy of my friend, who has seen it, and who sees that there are serious omissions in it: Neither the names of Anne nor of Mary, the sisters of William Morgan, are to be found in it.* It is not extraordinary, therefore, that the name of John should have been omitted if you do not find in it the names of the two avowed sisters of William Morgan. So much then for the Prayer Book. Now you remember that old Welsh Bible which has been produced here on the part of the plaintiff, and which my lord will afford you an opportunity of examining by and by. I believe the Book of Common Prayer is prefixed to it. You will find in that Bible the name of Edmund Morgan written across it more than once, and in a very peculiar hand. There cannot be the slightest doubt that the name of Edmund Morgan in that Bible, and the signature Edmund Morgan which appears upon the marriage settlement of 1697, were traced by the same hand. It is sworn by Mr Herapath, a gentleman of experience and skill in such matters, that it is so. My friend stated that Mr Nethercliffe, a gentleman also of great skill and experience, was here in court, but he has not been called to give an opinion contrary to that expressed by Mr Herapath, and therefore I have a right to assume that Mr Herapath's opinion on that point was not capable of contradiction. You will find also the name of William Morgan of Mamhilad, which is printed as it were, or written in imitation of printing. You will find that on one of the fly-leaves at the commencement of the Bible, and you will find further on in the Bible the name of William Morgan written with a peculiar "W," such a "W" as I never saw before, except upon the deeds which have been produced,

* The Prayer has written in it "William Morgan, his book, 1750." If there had been a brother John Morgan, then William Morgan would have been his brother. The first entry is that of his mother, "Elinor, the wife of William Morgan, died the 8th of November, 1737, at five o'clock in the morning, and buried on the 10th." It does not contain any entry of the birth of his sisters. It omits notices of the Whites—Mary White being his sister—and a family tradition explains the reason: There is an entry of the death of his sister, "Elizabeth Morris died the 28th June, 1768, buried the 15th of July," and also this entry respecting his niece, "Eleanor Morris was married 10th March, 1771." Also "William Morgan, my father, died December 5, 1772." There is no notice of any nephew named Morgan, and there is no family tradition of any such nephew having existed.

and in that Bible. You will have an opportunity of looking at "William Morgan," and at the strange "W" that is made. Then at the end of the Book of Malachi, in that Bible, you find in writing which we are not able to identify the name "John Morgan, late of the parish of Trevethin." My learned friend said he did not consider it worth while to object to the Bible being admitted in evidence, considering it to be a matter of no importance in the case. Whatever my friend's opinion upon that subject may be, I think it is evidence of very considerable importance. That Bible was probably the property of Edmund Morgan. You find written in it the name of William Morgan of Mamhilad. What more natural than to find in it also the name of "John Morgan of Trevethin," if he was the brother of William. You will recollect that John Morgan was called John Morgan of Trevethin. I do not mean to say that it is said in the Bible that John Morgan of Trevethin was born on such a day and baptized on such a day, but the circumstance of the names of William Morgan of Mamhilad and John Morgan of Trevethin being found in that Bible is certainly one deserving your serious consideration. It would be of no value if the handwriting of William Morgan had not been identified as being the same as that which you find in the deed, but the writing being the same in each case, you cannot fail to see that the fact of the name of John Morgan of Trevethin appearing in that Bible is one which is of very considerable importance. When you find, according to Mr Herapath's testimony, that the hand which traced the William Morgan in that Bible and the hand which traced it on the will and deed of gift and marriage settlement are the same, and that the hand which traced the signature Edmund to the marriage settlement and the hand which traced it in that book are the same, and when you find also in the same book the name "John Morgan, late of Trevethin," it does seem to me that that Bible is evidence deserving your very serious consideration. I do not say that it is conclusive of the case, but it is at all events evidence which should form an important element in your consideration of it. Now, gentlemen, I believe I have left no part of the evidence on either side untouched or unobserved upon. I fear that I must have wearied you, but for that I am sure you will excuse me, considering the importance of the case, and the magnitude of the interests which are involved in it.

It now only remains for you to hear the summing up of the learned Judge. His lordship will lay down the law to you with that authority which his station commands, and which his individual merits justify him in exacting. He will make such comments upon the evidence as he thinks fit, with a view to lead you to a just conclusion, but after all, gentlemen, you will remember that you are the judges who are to determine the questions of fact. To a British jury is confided the trust and on them is imposed the duty of determining questions of fact in every case both civil and criminal. The duty of the learned Judge is to enlighten you on any matters of law, but you twelve gentlemen are to deal with the facts of this case. It is you who are to find a verdict in accordance with the solemn oath you have taken, and I have no doubt that in doing so you will do justice between these parties. It is quite possible that Mr Nicholl the defendant may be known to you personally. I sincerely hope he is, and I will tell you why. If any gentleman among you happen to be acquainted with Mr Nicholl, that very circumstance will induce you to look more rigidly than perhaps you otherwise might do at the evidence in the case; you will say to yourselves, "May I not be biassed in some small degree, though without my knowledge, in favour of a man with whom I am on

terms of intimacy and friendship, and for whom I entertain a sincere respect?" That consideration will induce twelve honest British jurymen to scan the evidence most carefully, lest they should unintentionally do injustice to the claimant. It will lead you to say, "suppose this were our own case; suppose we ourselves were poor claimants with a strong feeling that right was on our side, we should have the satisfaction of thinking, that although we have not had an intimate acquaintance with our wealthier relations during the struggling days of our poverty, we are not seeking to deprive Mr Nicholl of anything he has acquired by his own exertions, or which has long been in his possession." I submit to you, that this is a fair matter of contention between these parties, and that these are just grounds for asking you to determine in my favour the question, who is the rightful claimant to the property claimed in this action? I know that Mr Nicholl is, as I have said before, a gentleman of very great respectability, whose connections are very widely spread in this county. I know not how the fact is, but it is quite possible that some of you, gentlemen, may be on terms of friendship and intimacy with him, and if that is the case, I sincerely rejoice at it for the reason I have given. I trust that you will not visit upon Jacob Morgan the plaintiff *the follies or the crimes* of other parties over whose conduct he could have no control. If you were to do so you might, from a proper feeling of indignation, do him an injustice, and thereby you might do injustice to his family, or to those who are to come after him.

Gentlemen, I have done. I have to thank you for the patience with which you have listened to an address which I fear has been too long; and I now leave the case of Jacob Morgan fearlessly in your hands.*

SUMMING UP.

MR JUSTICE WILLES. Gentlemen of the Jury,—This is an action of ejectment brought by Jacob Morgan to recover Pantygoitre house and certain other property which he says belongs of right to him. It is for him to make out his title. It appears undoubtedly that the person who was last in possession of, and entitled to the property was Miss Rachel Morgan, who died in the year 1854. The plaintiff must therefore make out that he is her heir. That is, as has been correctly stated to you by the learned counsel on the part of the plaintiff in his reply, almost if not altogether a question of fact for your consideration. I wish he had added that he thought it unnecessary (for I am sure he

* "With respect to the task (said Lord Langdale) which I may be considered to have imposed on counsel, I wish to observe that it arises from the confidence which long experience induces me to repose on them, and from a sense which I entertain of the truly honourable and important services which they constantly perform, as ministers of justice acting in aid of the judges before whom they practise. No counsel supposes himself to be the mere advocate or agent of his client to gain a victory, if he can, on a particular occasion. The zeal and arguments of every counsel, knowing what is due to himself and his honorable profession, are qualified only by considerations affecting his own character as a man of honour, experience, and learning, but, also, by considerations affecting the general interests of justice. It is to these considerations that I apply myself, and I am far from thinking that any counsel who attends here will wilfully violate, or silently permit to be violated, any established rule of the court to promote the purpose of any client, or refuse to afford to me the assistance I ask in these cases."—Keen's R., 668. These words were cited with great commendation by that honourable and kind-hearted man, Judge Story, and deserve to be always remembered.

would not have done it if he had not thought it necessary) to remind you that you are the exclusive judges of that fact, and of the other facts in the case. I always begin to suspect, where a learned counsel resorts to that sort of observation, apparently endeavouring to put the jury on their guard as it were against the judge, that he has some little doubt or misgiving in his own mind as to what the opinion of the judge is upon the subject.

MR ALEXANDER. I hope your lordship will allow me to say that such a thing did not pass through my mind.

MR JUSTICE WILLES. When a learned counsel talks of a British jury hearing the observations of the judge but judging for themselves, I always fancy that he does so for some reason; because he supposes that the judge is about to intimate to the jury what opinion he has formed upon the case, and wishes to warn them against being guided too much, or at all, by what the judge may say. However, gentlemen, I shall relieve the learned counsel from any anxiety he may feel upon that subject, for I shall endeavour to present this case to you in such a manner that the verdict you may come to shall be your own, although at the same time I shall not abstain from making such comments upon the evidence as it appears to me properly to call for. Now, gentlemen, I shall find it necessary, I regret to say, not to bring before you the whole of the evidence upon my notes, consisting of each statement made by each witness, but with respect to most of the witnesses, and with respect to all who have spoken of any hearsay on the one side or on the other, I shall be obliged to remind you of the salient points of their evidence. In order to make out the title of the plaintiff as the heir of Miss Morgan, as you were told at the beginning of the case (and as it has proved in the result) you must in a great measure pass your judgment upon a quantity of evidence consisting of statements made by various members of the two families, which it is sought to join as to the relationship of the one to the other. That is a sort of evidence which, as you must be aware, is not ordinarily admitted in courts of law. It is evidence which is generally less satisfactory than the direct evidence of witnesses speaking upon oath to things within their own actual knowledge. It is subject to the person who states it not being open to cross-examination, it is subject to the person who hears it misunderstanding it at the time, or his memory having been impaired by the lapse of time during which he has to keep it there; it is subject also to misrepresentation either intentionally or from the time that has elapsed between the period when the knowledge was acquired and the period when it is repeated in the witness-box, and for these reasons evidence by way of rumour or hearsay is, generally speaking, excluded, and cannot be resorted to. It is, however, admissible in certain cases, and one of those cases is a case of pedigree. The statements of persons proved to have been members of the family with respect to relationship are admissible in evidence, but at the same time I never hesitate to say (as has been well observed by writers upon another system of law than our own who were struck with some weaknesses in this species of proof) that you must apply your minds to with the greatest possible care and attention, taking care that you are dealing with something *which after all represents a substance*, and not merely with that which is subject to those errors which are inherent in evidence of the kind to which I have directed your attention. I think it necessary to give you that caution for this reason, that there is in this case a considerable body of evidence on both sides which does not consist of that species of proof, and I should certainly recommend you to see how far the mass of proof which consists of hearsay only does tally with that

which is proved in such a way as that it is not open to any of the objections I have mentioned. Now, gentlemen, let us just look for a moment at what the undoubted title (or probably you will think all but the undoubted title) is on each side, I mean the title from Rachel Morgan up to William of Mamhilad, the common ancestor, and the title of the plaintiff up to the alleged John, the brother of that William. It appears that Rachel Morgan was the sister of Anne and William, who were living up to a recent period, Anne having died in 1851, and William having died in 1843. It appears that they were the children of John Morgan, who died in 1806, and who has been called John Morgan of Graigwith. You will find that to be exceedingly material with reference to the probability and the probable accuracy or veracity of the statements which have been made with respect to what he said as to the state of the family. He was the brother of William Morgan of Mamhilad, who died in 1823, which it will be well for you to remember for the same reason. They were the sons of William Morgan of Mamhilad, who was born in 1704, and who (William Morgan) was the offspring of a marriage between William Morgan and Eleanor Morgan—persons are named in the marriage settlement of 1697, made on the marriage of William Morgan and Eleanor Morgan. Now with respect to that branch of the family and the persons who were named, it should seem, that there is no question at all. There is no doubt that the first William was married in 1697. There is his marriage settlement. He is the person who is said to have been the father of William and of John. His marriage settlement is dated in 1697. It appears that William, his son, was born in 1704. That is the brother of John, the plaintiff's ancestor, as he is alleged to have been. Now let us look to what the family is on the other side. You will find it material also to attend to that with reference to the statements said to have been made by them. He is said to have been the son of Isaac (the husband of Anne) who is said to have been the son of William of the Grange, and he was the son, or is said to have been the son, of the first marriage of Edmund of Groeslanfro, who is stated to have died in the year 1810. It may be that the dates, in consequence of the poverty of this branch of the family, are not ascertained or stated with the same precision as they are with respect to that branch to which Miss Rachel Morgan belonged, but with respect to this person, Edmund of Groeslanfro, it appears that he died in 1810. It is said he was the son of John, who was married to Diana, the person buried on the 17th of May, 1746. I think you will find, when you come to consider what the statements are with reference to the hearsay on the one side and on the other, that it will be very material to look at those dates.

I will now proceed without further comment to call your attention to the hearsay evidence, first of all on the side of the plaintiff's family; that is on the side of the family of Groeslanfro.—You will find it material to divide the hearsay evidence into that coming from the Groeslanfro side, and that which is said to come from the Graigwith and Mamhilad side, for this reason; because the statements of the family at Groeslanfro stand by themselves. There is nothing in the other facts of the case to make it inherently improbable that such statements should have been made by the family at Groeslanfro. It should seem that the statements which are alleged to have been made were made most frequently by Edmund who has been mentioned; that they gradually diminish in the time of William his son; that they became less again in the time of Isaac, who has been spoken to by a fellow workman and a person at whose house he stopped in Bristol,

when he went away in consequence of the Chartist riots, and whose relationship *was not apparently known to his wife*, because she was called for another purpose, but does not say that Isaac ever mentioned the subject of his relationship to her; but they appear to have been frequent in the time of Edmund Morgan, the father of William and Harry Morgan and Amy and Anne Evans. The great mass of assertions that the two families were connected so far as they come from the Groeslanfro side are attributed to a period when Edmund was living, that is to a period *before the year 1810*. With respect to the hearsay evidence, the statements made on the other side, they are said to have been made by John Morgan of Graigwith, by William Morgan of Mamhilad, who died in 1823, by William Morgan of Graigwith, who died in 1843, and to have extended even to the daughters Rachel and Anne. You will at once see the importance of that and the distinction between that class of hearsay and the hearsay coming from Groeslanfro side; it is this; that whereas the hearsay coming from the Groeslanfro side appears to have diminished as the family increased and young people sprung up, who might not have heard what the old people had said. On the other side it is declared that the hearsay evidence of statements made upon the Graigwith and Pantygoitre side, with respect to relationship continued down to and were made by even Rachel and Anne, the last of that family who died. That class of hearsay it is which is most especially combated in the evidence on the part of the defendant. The more it is said by the witnesses, that William, Rachel, and Anne alleged that the Groeslanfro people were relatives of theirs, and the more they are proved to express a desire to be intimate with them, and to have visited and been on terms of friendship, and on such terms as relations might be with them, *the more is that evidence inconsistent with what has been proved on the part of the defendant*, namely, that William and Rachel and Anne do not seem to have been much spoken to about it, but that William and Rachel spoke to the persons with whom they were in communication as if they had no other relatives than the Nicholls, and as if there were no persons existing within their recollection as these alleged relatives of Groeslanfro. That seems to be the form which the hearsay evidence on both sides takes, putting it all together; the hearsay at Groeslanfro standing by itself, and the other two hearsays coming apparently into collision in the way I have mentioned. Now let us for one moment look at what the evidence with respect to the Groeslanfro people is, remembering the dates to which I have already referred. First I will begin with the eldest of the witnesses; that is Harry Morgan. Harry Morgan, Amy Evans, and Anne Evans go together. They were, as you know, the son and daughters of the second marriage of Edmund Morgan—William Morgan being the son of the first marriage. I will just direct your attention to those points which seem to be the most remarkable in their evidence. I will not read the evidence at length, but I will refer merely to those parts of it to which I think it material that your attention should be called. They said that their father always said that his grandfather's name was John, and that that John was the brother of the father of John and William—John of Graigwith, and William of Mamhilad—and if you believe that that was so, of course it is a very strong piece of hearsay coming from the side of Groeslanfro. But it will be just as well you should see whether they are quite consistent in the statements which they make with respect to it, and that you should consider how far you think the inconsistencies which may appear affect your belief of their statements. Now Harry Morgan is a person who is eighty-six years old. He said his father

said his grandfather was John, and that he was the brother of William. "I heard him say that John Morgan of Graigwith and William Morgan were two brothers; I heard him speak of John Morgan of Graigwith; I have seen John Morgan of Graigwith at Groeslanfro several times; he came over after some sheep there, and I heard my father say that that John Morgan had two daughters and a son." That was for the purpose of identifying William and the two daughters Rachel and Anne. That is his direct examination. Then, on his cross-examination, having stated that it was John who was there, and having stated that he had seen John Morgan at Newport, at the Canal Company's meetings, he says, "I know it was John that I saw, and not William; I know John well; it was John I saw at the canal meetings." That is his statement with respect to John. That would seem to be one of the inconsistencies to which your attention has been called in his evidence, connecting it with the fact that William was the only committee-man of the Canal Company, and that no proxy was allowed to attend at those meetings, so as to enable John Morgan to attend those meetings instead of William. He describes John, however, as attending at the canal meetings. If that stood by itself, it might be imputed to mistake, but then the sisters appear to be at variance as to whether the person who came to Groeslanfro was John or William, because the next sister who is called says, "I knew John Morgan of Graigwith, and I heard my father say he was his cousin; I have seen him at Groeslanfro often on business with my father, and I have heard him speak about my father and say he was cousin; he called him cousin Edmund." She says she heard her father say that the Christian name of the grandfather was John; the John in question. Then she is cross-examined, and she says she knows nothing about the Whites, or the other names that have been mentioned. The names on the side of the Nicholls probably were not very important, but she says she never heard of any cousins of the name of White. You must consider how far the probability of these people being connected with Pontypool, and being likely to go in there from time to time, does show that that could not have been so, if the John whom she was talking of was really John of Graigwith. One of the perils of relying upon this sort of evidence is, that persons may, after a great length of time, be mistaken as to a name, and may fancy it was John, when, in fact, it was William. If a person says, "I remember a man of the name of John Morgan coming," and you asked him where he lived, and he says "I do not know," and if you then say, "do you think it was anything like Graigwith," he is very likely to say "yes." In that way, people having the name of a place suggested to them, may be even honestly brought to believe that the person of whom they are speaking lived at that place, although, in point of fact, it might have been a John Morgan living somewhere else. Then Anne Evans says, "I heard my father speak of John and William Morgan. William used to come. He used to live at Goltre when at home. My father said William Morgan was his cousin when I asked him who he was." She says, John Morgan of Graigwith was not at Groeslanfro. She says he was never at Groeslanfro, the brother and sister having said that he was the person who was there. She says, "I never said John was there. My father said there were two brothers, John and William. William said, at Groeslanfro, that my father was his cousin. I did not know Miss Rachel, but I heard her spoken of." As to the evidence of these three persons, with reference to what they heard her father say, one of them says that it was John who used to come over, and the other

that it was William who used to come over. You will consider on which side the truth is, not only as regards the honesty of the witnesses, but as regards the accuracy of their recollection when speaking of what happened so long ago with regard to a matter which would seem to have been, *as regarded them, of very minor importance.*

The next person who speaks upon the subject is John Rowlands, and he seems to be the only other person who speaks of anything that Edmund the father said. He is seventy-four years of age, and he says he heard Edmund Morgan of Groeslanfro (that is the Edmund Morgan who was the father of the three persons whose evidence we have been just considering) talking to his mother; that his father being a cobbler, his mother went there with some shoes, and that Edmund Morgan and his mother began "thee-ing and thou-ing one another, and joking; he says he was then about fourteen; he is now seventy-four, therefore it was sixty years ago; he is detailing this to you *after a lapse of sixty years*; he says, "he told her he would be a rich man if he lived after Mr Morgan of Graigwith; he said they were two cousins' children, of two brothers." That is the statement that he makes. That is a statement which one can test with reference to the time and the state of the family. Let us do so shortly. This would be sixty years ago—that would bring it back to 1797. This John Morgan was at that time married, and William, Rachel, and Anne Morgan were all born. The dates are Rachel, 1784, William, 1785, and Anne, 1793; therefore, if Edmund Morgan of Groeslanfro said this of John Morgan of Graigwith, he must have been speaking of a man *who was married and had three children*; a son and two daughters, who of course would inherit his wealth, and not this Edmund Morgan of Groeslanfro. It is quite clear that either Edmund Morgan knew nothing at all of the state of the family of John Morgan of Graigwith, who is said to have been his cousin, and to have come to visit him from time to time, or this witness (always supposing him to be speaking accurately) proves that Edmund Morgan was speaking of some other person, who he supposes to have been John Morgan of Graigwith, but who could not have been that person. Either, therefore, this witness is stating that which never took place, or if he is to be taken to be speaking the truth, then, instead of being evidence that Edmund Morgan of Groeslanfro was speaking of John Morgan of Graigwith, is proof that he must have been speaking of some person who had not a son and two daughters standing in the way of the speaker. That is the only confirmatory piece of evidence of that which is given by Harry Morgan and Amy and Anne Evans.

Now, gentlemen, I come to that which is stated to have been said by William Morgan; that is by William Morgan of the Garth. He would be cousin to Edmund, according to the evidence on the other side. And if he were connected with the Graigwith and Pantygoitre family he would probably have some intimacy with them, and might be supposed to have spoken to them from time to time as much as the other would. The first who speaks about anything having been said by him as to the Graigwith people being his relations is George Llewellyn, who was formerly a farmer. He says he knew Jacob Morgan and the family. He states, "I lodged with William Morgan at Cock-o'-North, near the Garth, for two or three years, at different times." He afterwards states that he was *about eighteen years of age* at the time of which he speaks. Then he says, "I have heard William Morgan say that Isaac was the heir if he had died without heirs. That was William Morgan of Graigwith. I only knew William of Graigwith, the brother of Rachel. I have seen him come to visit William

of Bassaleg. I heard him say to Isaac that he would be the heir provided he died without issue." Here, then, this witness states that William of Graigwith told William of Bassaleg that he would be his heir. I bring in this piece of evidence, in this place, because he also says that William of Bassaleg spoke of him as his cousin. He says, "He told Isaac to keep close to his school, and it would be a benefit to him in the course of time. I remember William, the grandfather of the plaintiff, going to Graigwith to spend Christmas there." Therefore, according to him, William of Bassaleg and William of Graigwith at that time treated one another as cousins, and William of Bassaleg went and spent Christmas with William of Graigwith. He says, "He came back the third day, and when he came back he said the old lady (that is Rachel the mother of Miss Rachel) had been very good, and that his cousins and he had enjoyed themselves very much." He says, "This was about thirty-seven years ago." That would bring it back to the year 1820. According to the evidence of this witness, therefore, William of Bassaleg knew they were his cousins, treated them as such, and went over and visited them in the year 1820. That is one of the circumstances in the case which you will have to consider in connection with the evidence on the part of the defendant; the falling off afterwards of that intimacy, if it ever existed, and the denial of any cousinship at all between William of Graigwith and William of Bassaleg. He says, when he was eighteen years of age this took place between William of Bassaleg and William of Graigwith. It took place, therefore, as late as 1820. The next person who gives evidence as to this part of the case is Walter Waters. He is an old man seventy-seven years of age, and he worked at Bassaleg under Sir Charles Morgan. He says "William of Bassaleg worked under Sir Charles Morgan." He allowed him to have the use of a house in which this man was living, and he allowed him a few shillings a week to subsist upon. He says that while William of Bassaleg was in that state, this took place between them. He says, "I never heard William say anything about his relations except that the Morgans of Graigwith and he were second cousins. He said that several times. The old man was rather chatty." According to him, therefore, William of Bassaleg, who in 1820 spent some days at Christmas with the Morgans of Graigwith (that is with William Morgan and his sisters and mother) was reduced to the position of living upon the charity of Sir Charles Morgan, and he states that those persons with whom he was so intimate were his second cousins, and *yet he seems to have taken no step towards obtaining any relief from them so far as appears upon the evidence on the part of the plaintiff and on the part of the defendant.* If you believe the evidence it would seem that the Morgans of Graigwith always spoke of having no persons as cousins except the Nicholls. That observation cannot be disposed of by saying that they knew they were relations, but that they also knew that they were poor people, and would therefore take no notice of them because they must have known that if they died without any will, they, if they were their cousins, would be the persons to inherit the property, and it does not seem consistent that they should deny them as cousins during their lives, and *yet abstain from making a testamentary disposition which it would be necessary for them to make if they wished to exclude them from the property after their deaths.* That is an observation which arises upon this part of the evidence. You must deal with it as you think it deserves. It certainly takes off a great deal of the edge of the observations which have been very ably made by the

learned counsel for the plaintiff, in reply that these people may have been forgotten as relations. Then we pass on to Isaac. With respect to him, I will not trouble you by referring to my notes. You recollect the first person who was called with reference to him was Thomas Thomas, a builder, who worked with him. He stated that Isaac said that he had cousins at Graigwith who were rich people, but he did not like to go to them because he thought they might treat him as a poor relation. The other person who speaks to Isaac is Emma Thomas, the person in whose house Isaac stopped when he went to Bristol to hide himself after the Chartist riots, which took place in 1841, and that is the last piece of hearsay evidence that we have in that family. He told her (she says) that he had an old aunt living at Pantygoitre, and that he should like to have some of her money to aid him, so that he might go abroad. Then Anne Morgan, the mother of the plaintiff and the wife of Isaac, was called. I thought when she was put into the box that we were going to hear from her some statement made by Isaac Morgan to her with reference to this family, but although these statements are said to have been made by him to Emma Thomas, the witness, to which evidence I have just adverted, *he does not appear to have made any such statement to his wife.* Of course we should have heard it if he had. That concludes this branch of the evidence. I now come to that part of the evidence which is given with a view to show that the Morgans of Graigwith recognised as cousins the Morgans of Groeslanfro. There is John of Graigwith, the father of William of Mamhilad, the uncle, and then the nephews and nieces, and with respect to all of them there is some evidence, and with respect to some of them, and especially with respect to William of Graigwith, the brother, there is a large body of evidence to show by way of hearsay that they acknowledged at one time the Morgans of Groeslanfro as their cousins. This branch of the evidence will require your very careful attention when you come to consider it, for this reason; as evidence sometimes falls short of the mark, because it is too vague and too meagre, so evidence sometimes shoots beyond the mark, by being *what you may call rank*; evidence going beyond that which having regard to the proved and certain facts proved in the case, a jury can believe. If it does that, it equally fails to produce conviction. It is for you to say, attending to this evidence, whether taking it in connection with the rest of the facts in the case, you believe it to be so probable that you will be induced to act upon it so as to sustain the plaintiff's claim. I think it very necessary to make that observation. If all these statements or the greater part of them be true, certainly there is then quite enough to prove the treatment, and the treatment in a remarkable way and for a long time, of the people of Groeslanfro as relations. But then the same sort of question that arose upon the intimacy of William of the Grange and Cock-o'-North with William of Graigwith and the rest of the family arises here; query, *whether if so it is possible that William and Rachel could have ignored the relationship of these parties as they are stated to have done.* That is the sort of question which arises upon this evidence. Now, gentlemen, the first person with respect to whom evidence is given is John of Graigwith the father, and the first person who speaks with respect to him is Edmund Thomas. Edmund Thomas also speaks with respect to Rachel and with respect to Anne. They are all spoken to by Edmund Thomas under circumstances rather remarkable, as you will see by-and-by. Edmund Thomas says he is seventy-six years of age. He says he was working for a person near Graigwith; that he went to assist in ploughing and sowing there. That is what brought him in

contact with the Morgans. He says he had his meals at Graigwith, and whilst he was at dinner there the father asked him (he says) how he was going home, and he gave a description which showed that he was going by the house of Edmund of Groeslanfro. Then the father asks if he will be so good as to take a message, which he does take; a message asking after the health of Edmund of Groeslanfro. He says that his cousin John desires to be remembered to him. You remember the evidence he gave, and I do not think I need trouble you by referring to it more particularly at this time. He says he many times heard Rachel and Anne speak of the people of Groeslanfro, Henry, William, Watkyn, and John. He states that he not only knew William, but that he also knew the second family, to which the witnesses whose evidence we have already considered, Harry Morgan, Amy Evans, and Ann Evans, belonged. Then he says, "The Miss Morgans (that is Rachel and Anne) said they were second cousins." That is his evidence. "Miss Morgan said so, and Miss Anne also." He says, "I was fourteen at that time." Again, it is necessary to consider the time. "I was fourteen at that time." That would leave him sixty-two, and that would make the statement to have been made in 1796, when Anne was *two years old*, and Rachel, who had been born in the year 1786, was *ten years old*. That is the state of the family at the time when he says that Rachel and Anne said that these were second cousins. I am not myself aware of any other evidence that Rachel and Anne did ever speak of the Groeslanfro people as being their cousins. I am not aware of any evidence of that kind. There is in the case (which I have read through most carefully) no other evidence but that of Edward Thomas, that they ever spoke of the Groeslanfro people as being cousins, but he swears that he went at that time and heard this, when he supposes himself to have been about fourteen years old; but supposing him to have been seventeen, Anne would have been five years old, and not very likely, one would think, to be speaking of these people at Groeslanfro as cousins. The next person who says anything about it is Daniel Jones (p. 28). He is the person who says he saw White and William Morgan together; and he says that White and he called one another cousins. According to this witness, who says he saw John Morgan and William Morgan, the father and uncle, at White's—they were all on good terms, and were all calling one another cousin. He says he is sure it was John, because he heard of the marriage of John to the servant maid, and that John was at White's both *before* and after he married the servant maid. He says he saw both John and William at White's both *before* and after he married the servant maid. Then the question is, when did he marry the servant maid? As I understand, he married the servant maid in 1784. That is the time when he married her. This witness is seventy-nine years of age, and he must have been *about six years old at the time the marriage took place*. He professes to speak of John as being married after he had seen these persons together at White's. Whether this is a mere inaccuracy which would not affect your judgment upon the evidence; or whether it is that sort of clear proof that the witness either intends to deceive (a supposition which one would be unwilling to resort to), or that his mind and memory is in such a state as to enable him to give such accurate evidence as you can rely on; is a matter for your consideration. It is for you to say whether the evidence is veracious or not. He swears with equal positiveness to the fact of their treating one another as cousins, and to the fact of his having heard of the marriage, he seeing them in the house; and then it turns out that he was *six years old at the time when the marriage took*

place. That is the evidence which is given by Daniel Jones. Then comes William Rosser. That is William Rosser of Bethesda, not one of the Rosser family of whom so many were called, but William Rosser of Bethesda (p. 45). He is the person who gave evidence about meeting the son of whom he speaks at Mrs Cheney's, and he says that he sent a message to Edmund, who came over; and he speaks of his afterwards seeing John upon the road when the son of Edmund was with him—the son by the second marriage—and of his asking, "Who is that with your father?" And his answering, "Oh, that is my uncle?" That is the evidence given by this witness Rosser. He does not appear to have been acquainted with John Morgan any more than by having seen a person *who was stated to him to be John Morgan* at Mrs Cheney's. The question upon that is, are you satisfied that he is speaking of the same John Morgan, and that what he tells you is a part of his own memory, or whether you think he is speaking as to that which, if he had been asked about it without the matter being suggested to him before, he would have assented to, whether in fact it is part of his genuine memory, or only something which he has brought his mind to believe after it had been suggested to him by others. The next witness is Amy Evans (p. 56), to whose evidence I have already adverted. She stated what John Morgan said when he used to come over. I have already observed upon that. Then the next person who is supposed to have stated that these were relations is William of Mamhilad. With respect to him the same person speaks of his saying so as of John saying so. Then there is a witness named Thomas Davies (p. 33), who is also called to prove that circumstance. Thomas Davies you may remember was once in the employ of the old man, who when he was a boy sent him to drive some sheep for William of Mamhilad. He says he was called to drive some sheep, and the man beat him, and the second time he was told to go he refused unless he knew who was going with him, upon which William said, "It is my cousin Edmund," and he said that was *the Edmund who was living with William of Mamhilad at that time*. It does not appear that Edmund of Groeslanfro was ever living at Mamhilad. The only other person who proves anything to have been said by William of Mamhilad as to the Groeslanfro people being relations is Jones, the person who speaks to the meetings at White's shop, and to the marriage with the servant-maid, on whose evidence I have already observed. I come now to the last person of that family as to whom it is said that he made any assertions of relationship, and I will give you the evidence of those witnesses in the order in which they were examined. The first witness who is called upon that subject is Daniel Jones (p. 13). Now Daniel Jones is the person who would not either admit or deny (for it comes to that, one must give things their right names) that that note for 300*l.* of which you have heard so much, had been lodged with Waters for the purpose of being given to him as a prize if the plaintiff should win the cause. The other old man does not seem to have had anything to do with that. I must call your attention to that part of the case. It is quite clear that a note for 300*l.* was made by Jacob Morgan, the plaintiff, and that that note was payable to this person, Daniel Jones, to whose evidence I am now going to call your attention; and probably you will have no doubt upon your minds that that was intended to be a prize, or a bribe, or by whatever name you may choose to term it, to induce him to give evidence in this case, the payment of the note to be made in case the plaintiff should succeed in the action. It seems that another note for 500*l.* was given to Waters.

He has (to use plain language) peached. Another note for 500*l.* was also given to the man who acted as interpreter, as to whose mode of performing that duty there seems to be no imputation made, but I beg to say in passing that no man, however good his intentions may be, ought to put himself in a situation where his interest may induce him to vary from his duty, and that it ought not to have been left to the accident of some of you gentlemen sitting in that box to bear witness to the propriety of the manner in which he discharged his duty as interpreter. I do not hesitate to say in passing that he ought not under the circumstances to have acted as interpreter without stating the fact of his having received that note, and I think that if he be a person of respectability he did himself groes injustice by not stating the fact at once, or *by not declining to act as interpreter at all*. Having made that remark I will say nothing more upon that subject. I allude to it because, if I did not, it might be supposed that I did not, as I do, very strongly disapprove of such a course being taken. But let us come to that which is more german to the present question. Do you think that a bribe was given to Daniel Jones by Jacob Morgan the plaintiff? Jacob Morgan the plaintiff is not called; and suspicion unquestionably rests upon him, *if not more*. He is not called to rebut the statement which is made with regard to him. The presumption, therefore (and not an unfair one) is, that he cannot rebut it. It has been said that a great deal more has been made of this than it is really worth, and you are told that you may reject the evidence of Daniel Jones and act upon the rest of the evidence in the cause if it be such as to satisfy your minds, I own I think that may be questioned. I shall not take upon myself to decide the point as a question of morals—that is one of the questions which is proper for your consideration. If you believe that a person has been guilty of bribing a witness (if you think he has done so) to give evidence in a court of justice in his favour, can you be certain that that is all the taint that rests upon his case? I say no more than that, but that observation I think is called for under the circumstances. It has been said by the learned counsel who appears on his behalf, “Oh, but this was a very silly thing to do—it was a piece of folly no doubt, but it would be a great pity to visit the folly of this silly person upon his children.” I am not at all aware that that is so. I rather think that the follies and sins of fathers are still visited upon their children, not by any act of those who deal with the fathers as fools, but by the decree of Providence, which I am not at all aware follows them less certainly under the present dispensation than under the old, where it is expressly laid down. To spare a man and not to visit him with the consequences of his own acts because of the heirs that may be in his loins, seems to me to be an entirely new proposition. I should say, deal with him and with the case in so far only as you think what is proved against him fairly affects him, paying no regard to considerations such as those to which I have just adverted, but paying regard only to what you consider to be justice and truth.

Now, gentlemen, what does this Daniel Jones say? I will draw your attention to his evidence, and you will see how far you think his evidence, which bears on a very important part of the case (the conduct of William in 1843, which is spoken to by other witnesses also), affects the case. He says that he worked at the farm; that he knew William Morgan; that he became acquainted with him, and that he heard him speak of William, the son of Edmund Morgan of Groeslanfro. He called him his cousin, and said he knew him very well. He

says, "I knew old Edmund of Groeslanfro, and William his son, and William's sister Diana Morgan, before she was married." That is the first introduction of any Diana into that portion of the family. This witness introduces Diana as William's sister; a circumstance which might have been unimportant, and might have been imputed to ignorance were it not taken in connexion with the note for 300*l.*, which rouses all one's suspicions, of course, as to his testimony. He states that among other things. He says he was driving mules along the road, and William of Graigwith, who was very intimate with him, was riding along with him at the time. That is the account which he gives. I will not dwell upon the details of his evidence, because it is all but admitted; and if it is not admitted, it ought to be admitted, and ought to be certain, *that at least his evidence is not worth the paper upon which it has been taken down.*

Now, the next evidence to which I would direct your attention is that given by the different members of the Rosser family, who have been called before you. They are the persons upon whose evidence the greatest stress is laid by the learned Counsel for the plaintiff in his reply, and I will refer you in a moment to what they have said. They say, as you may remember, that some time ago Mr William Morgan of Graigwith took some seven or eight acres of land near St Bride's, where their father lived; that he used to put up his horse there, and took refreshment; and that he, in their presence, made the statements they have come to speak to to-day. That is the form which their evidence takes. It does not appear, with respect to these persons, except one of them, that Jacob Morgan had anything to do with them; but it does appear, with respect to one of them, that Jacob Morgan saw him upon the matter. It may be thought that that is a circumstance which it may be rather harsh to allude to; but it is the truth, and I should abide by the truth, however hard it may appear to be. Persons must be prepared, if they do that which you shall consider to be bribery, to take at least that amount of suspicion which attaches to acts which have been upon such grounds alleged against the plaintiff, and which he has not thought proper to get into the witness-box to deny or in any way to explain. Now, first John Rosser is called. They all give the general account I have mentioned. I will only call your attention to the substance of their statements, in order that you may compare the one with the other. He says, "I heard my father talk to Morgan of Graigwith of the Morgans of Bassaleg. Groeslanfro is in Bassaleg parish*. My father asked William Morgan of Graigwith a question about the Morgans of Bassaleg. They began to talk about the family, and William Morgan said he had a cousin at Bassaleg living at Groeslanfro." This witness is sixty-two years old. He says, "William Morgan said that he and William Morgan of Bassaleg were second cousins, and that he and Edmund of Bassaleg were first cousins. I heard my father suggest to him to give a few pounds to William of Bassaleg, telling him it would do him much good." He says it was in 1807 or 1808 that he heard that said.

The next witness, Thomas Rosser, gives the same general statement, which therefore I omit; but he says that Mr Morgan of Graigwith said that the Morgans of Groeslanfro were distant relations; that the Morgans of Graigwith and the Morgans of Groeslanfro were first

* The Rev. Chancellor Williams, who took an active part in the proceedings in this case, though not called as a witness, is also of the Parish of Bassaleg, and acted as interpreter at Bristol.

cousins; that the father of the Morgan of Graigwith and Morgan of Groeslanfro were first cousins. Something was said by father to him as to Morgan of Bassaleg being in bad circumstances. William Morgan to that said that he would see him at a future time, and when he saw him afterwards he would only ask him how he was. He says he laughed, and only asked him how he was, but not with any view to relieve him. Then he and the other members of the family are asked, "Did William or Edmund of Groeslanfro visit at your house? Were they all intimate with your father?" One says that the sister was intimate; the brother says no, but the father took an interest in them. They did not know William of Groeslanfro at the time, or rather William of Cock-o'-north, but became acquainted with him at a subsequent period. He says, "Jacob Morgan and I first spoke about it when the papers were out stating that it was a point in dispute. Then Anne Rosser is called, who is the first of the two sisters. She says, "I heard Morgan of Graigwith say that William Morgan, who lived at Bassaleg, was his cousin" (p. 43). Then I come to a person who, I believe, is the last witness to whose evidence I need direct your attention in the plaintiff's case, and that is the remaining brother William Rosser, and he states that the name Edmund Morgan was mentioned—Morgan of Groeslanfro. He says, "William Morgan told my father that Edmund Morgan of Groeslanfro was the nearest relation he had there, to the best of his knowledge. He said that he was cousin to his father. I also heard William Morgan of Graigwith say he should like to see Edmund of Groeslanfro."

Now, as to the evidence with respect to William Morgan. If you couple that with the evidence as to what was stated by William of Groeslanfro, it would seem that there was an intimacy existing at that time, which went on till 1820, and which was considerable enough to bring William Morgan of Groeslanfro to the house of the other Morgan to spend Christmas there, where he was exceedingly well treated, he says, by his relatives. Now, there are one or two other circumstances which are relied upon to corroborate the plaintiff's case, and perhaps I may as well bring them in here, though I shall interpose them between the hearsay evidence on the part of the plaintiff and the hearsay evidence on the part of the defendant. There is first of all the tombstone of Diana. That was produced for the purpose of showing that there was a Diana who married John, confirming the statement that the grandfather of the first of this line, and who had married a Diana, was a John Morgan. The object is, in fact, to show that such a person did exist; the evidence is that there is a tombstone of a Diana Morgan in the graveyard of a dissenting chapel, on which tombstone she is stated to have been forty-seven years of age and to have been the wife of John Morgan. She is stated to have been the wife of John Morgan; and it said that the inference sought to be drawn from that is, that her husband must have been at that time living. I think that that suggestion must have been rather misunderstood. I do not suppose that the Counsel for the defendant meant that; what I understood him to mean was that finding her to have been buried there and to be described as the wife of John Morgan. If John Morgan, had been dead you would be most likely to find him buried there; that at all events it is probable that the husband and wife would both be buried in the same place, they having been both of them dissenters, and both of them attending this meeting-house, in the yard of which of which she is found to have been buried. The only importance of that is with reference to the deed of gift of 1741. If this John Morgan

was living in 1746 of course this deed of gift would be the strongest evidence in the world, it might be said to be almost conclusive; but if John was not living at that time then the deed of gift would go for nothing. That is one of the misfortunes of not being able to fix the precise date as to John who is alleged to have been the ancestor of the Groeslanfro family. Then there is put in the inscription on the tombstone of John and of Rachel described as *his wife*. That was put in for a purpose which has probably become unnecessary now the point having been established by other evidence. There was then put in for the purpose of showing the handwriting of William Morgan the alleged common ancestor his marriage settlement in 1697 and unquestionably the "W" in that marriage settlement is a very remarkable "W." He seems to have carried it down with him to a late period down to the year 1741 because the will and the settlement upon the marriage of his son and the deed of gift to his son are all signed with that remarkable "W" which appears also in the Bible. Then the only other evidence was as to the state of the registers to show that for several years they are missing with reference to the early part of the last century. I do not think it necessary to refer you to that evidence in detail. The Bishop's register only commenced in 1725 with the exception of some few entries in the previous century. The parish registers are certainly proved to be in many respects imperfect. The birth of William, that is the second William of Mamhilad, was in 1704 and the object of proving the imperfection of the registers was to account for not being able to prove the date of his birth.

Then comes the Bible. Now this Bible you must look at for yourselves. There appears in this Bible the name of Edmund Morgan, the father, as it is alleged, of the common ancestor. The name "Edmund Morgan" occurs in several parts of this Bible, and the writing is so like that of Edmund Morgan on the deed that Mr Herapath believes them to have been written by the same person. He says the same thing with respect to the "William Morgan" who in the deed is described as the son of that Edmund. If therefore you take his evidence you have the signatures of William Morgan and of Edmund Morgan in the Bible. The object for which it is put in is this—in the leaf between the Book of Malachi and the Apochrypha there is written, "John Morgan, late of the parish of Trevethin." That is the handwriting underneath. That is the whole of it. That Mr Herapath says he thinks from the appearance of the ink must have been written a great number of years ago, though he cannot say how many years. This Bible appears to have come out of the hands of some person who says he supposes himself to be a member of the family though he is not proved to be so. All we have is that this Bible has in it the name of Edmund Morgan, the name of William Morgan (stating it to be his book) and also the name of John Morgan who is stated to be "late of the parish of Trevethin," but when that was inserted does not appear. That is the whole of the Bible. The portions of it which are most essential are those which are marked with the white ribbon. You must say how far this Bible aids you in forming a judgment upon the matter. There is no assertion of relationship in it. It is said that the name "John Morgan" written at the end of the Book of Malachi shows that John Morgan was the owner of the book—that that was written by the person who was the owner of the book, and that therefore the book belonged to John Morgan. I shall not myself say anything upon that subject. Generally speaking books of this kind have not been received in evidence except where they have been proved to

have come from the possession of some member of the family, which is not the case here. The only reason why this book has been received in evidence is that an Act of Parliament recently passed allows handwriting to be proved by comparison with other writing. I rather think that this book might have been received even without Mr Herapath's evidence, and under this Act of Parliament you might have compared the writing which appears in it with the writing upon the deed and certainly the formation of the letter "W" is very remarkable.

That, gentlemen, is the plaintiff's case, and let me now come to the case of the defendant. I have already called your attention to the fact that in this branch of the family (if it is the same family) the people seem to have conducted themselves more like persons I would say of consideration from a very early period, because you have in the year 1697 a regular marriage settlement on the marriage of William, the son Edmund and Catherine, with Eleanor, a marriage settlement which appears to have been carefully preserved, and you have also produced subsequent marriage settlements. There is the marriage settlement of 1697, the marriage settlement of William in 1741—the will of an old lady, a relative of the family, in 1712 mentioning several of her younger relatives and among others her grandson William. She was the mother of Eleanor who William married. She mentions a number of persons, her grandson William and others, but makes no mention of a John. Why, it is said if there was a John did not this old lady mention him when she was mentioning the names of other members of the family? When the grandfather of the intestate was married it appears that there was a regular marriage settlement made. It seems that at the same time his father made a will disposing of his personal property to his heir, which it is said he would not have done if he had had a son John living. I need not trouble you with the particulars of that. He certainly does dispose of his personal property as if he had no person to provide for except his son William, and he executes a deed of gift to him at the same time; having settled the personal property he settles the real property upon him, describing him as *his only son and heir*. That seems to me to be the effect of the documents which have been put in on the part of the defendant. There is then given in evidence a Prayer Book in which there are a great number of entries with reference to the family apparently by William of Mamhilad. Looking at it you will see that they must have been made either by him or his brother. The book latterly got into Miss Rachel's hands and she appears to have preserved not only the papers relating to the purchase of the property, which she kept apart as being important papers to refer to, but she also kept old papers relating to the family. She kept them together in a chest, and upon a search being made it would seem that among those documents (and I will only draw your attention to those principally relied on by the defendant) *there is no mention of any person of the name of John Morgan except John, the father of Rachel, the intestate*. I come now to that portion of the defendant's evidence which consists of hearsay. With respect to that I have also got a note which I hope will enable me to detain you upon this part of the case for a very short time. That evidence relates to William of Mamhilad, to William of Graigwith, and to Miss Rachel Morgan the intestate herself. It has been called negative evidence. I do not know that it is so. If I say "A is my cousin" that is evidence that he is my cousin. If I say "A" is not my cousin that is equally evidence that he is not my cousin. The question is, what impression the evidence produces upon your mind, it is for you and not for me to judge of the effect of it. I will first take

the hearsay evidence as to William of Mamhilad. The person who speaks as to him is Thomas Jenkins who says he was tenant on the Mamhilad estate for thirty-nine years—he says he spoke to William of Mamhilad about a year before he died in the year 1823, that he spoke about laying out a deal of money upon the property without getting anything in return for it, and he said it would be for others, and, according to the evidence of this witness, he stated that it would go to his nephew, and that after it would go to Mr Nicholl. He says he had a conversation with Miss Rachel upon the subject, but with respect to her all he says is that on his complaining that if it went out of her hands he would be badly off (a sort of complaint which tenants are in the habit of making to their landlords involving a little flattery) she said it would not be so because she had no nearer relative to have the property except Mr Nicholl.

Then there is a statement as to William of Graigwith. The statements with regard to these two persons do not seem to have any very great weight. Margaret Morgan says that she is a daughter of another William Morgan. She says, "I knew William Morgan of Mamhilad; he used to say, he considered my father related to him. I heard William Morgan of Mamhilad once say that the Nicholls were his nearest relatives. I knew Mr White of Pontypool. I heard William Morgan of Mamhilad call him cousin. That seems open to a similar observation to that which applies to the evidence of some of the witnesses for the defendant, that it is quite clear that the Nicholls were not his nearest relations, because he had nephews and nieces. Then I come to the evidence as to statements made by Rachel herself (the intestate). You recollect the sort of evidence that has been given for the purpose of showing that Rachel had no knowledge, and stated that she had no knowledge of any other persons except the Nicholls as being her relatives. Then, gentlemen, I spare you going through the title proved on the part of the defendant. Suffice it to say, that there is a case of descent from William to a daughter. Mr Ilyd Nicholl says he never heard of Elizabeth, his wife's grandmother, having a brother John, though he had frequent conversations with Rachel Morgan upon the subject of his family. He says she used to show him the Prayer Book in which the name of John is not found. You have heard what was stated about the Whites, about their meeting and talking about the family, the names of the Morgans of Groeslanfro never being mentioned when they used to have family meetings yearly. The next person upon the subject, is Mr McDonnell, who appears now to be a barrister and a magistrate for the county. He was formerly in partnership with Mr Prothero as an attorney. He went into partnership with him in 1805, continued in partnership with him till he died in 1821. They appear to have been the family solicitors. He says he was intimate with the family. He says that Miss Rachel, Miss Anne, and William Morgan, spoke of Mrs Rogers, Mr Nicholl's mother-in-law, as being their aunt, and that those persons treated one another as relations. He says also that he heard her speak of an uncle on the mother's side, a Mr Jones. Those are the persons who have been spoken of as poor relations, but he says he never heard of any such persons as the Morgans of Groeslanfro at all. Then Captain Bird is called. He states that he was all his life on terms of intimacy with the Morgans, and with the Whites, that they visited one another, and called each other relatives. He says "I heard Miss Rachel in February before she died say, that the Nicholls's

were the nearest relations to her. I never heard the Morgans of Groeslanfro, or any other Morgan named by her. Then George Nicholl is called (the brother of the defendant). He says that he spoke to his mother, a short time before her death, as to what her family was. His mother, he says, stated that her grandmother had two sisters and one brother, excluding therefore the John, who is alleged to have been his brother. Then he speaks about Miss Rachel Morgan. He says she spoke about providing for some poor relations she had, and she said that their names were Jones. He says, "I never heard the Morgans of Groeslanfro mentioned." Then his sister is called, and she says, that in a conversation which she had with Miss Morgan before her death she stated to her, that her mother was the nearest male heir, and that on her asking for an explanation of that phrase, she said she meant her nearest heir upon the father's side, that is on Rachel's father's side. "Her nearest male heir," meaning to say her nearest heir *ex parte paterna*, on the side from which the property came. Then the next person who gives any evidence upon this subject, is Mr William Hunter Little, who says he knew Miss Rachel Morgan, and used to visit her. He says, "I heard her speak of Mr Nicholl's family of Usk, and she said, "They are our nearest relations." That was some sixteen or twenty years before her death. Then there is one other witness, Mr Phillips, who was the manager of the bank; it seems that he left his managership, and that he was employed by her to make up some accounts from 1851, to the time of her death, about five years. He says, "I occasionally went to stay at Pontygoitre. She referred to Graigwith, and said she wished that to be secured to George Nicholl the brother of the defendant. She said, "Of course Mamhilad and Pontygoitre will go to the eldest son, their poor mother, my cousin, was one of my nearest relatives." According to Mr Phillips, Miss Rachel Morgan stated that her heir was Mr Nicholl, the defendant. Then came a person who spoke about William and not John, having those shares in the Canal Company.

Then came William Waters, who spoke about those notes of which we have heard so much, and then came Jacob Williams, the quarryman. I think I have sufficiently observed upon their evidence in the course of my summing up. That, gentlemen, is really the whole matter. The question for you is whether you are satisfied by the evidence that there was a John Morgan, the brother of William, the son of William, the common ancestor, by his wife Eleanor, whether that William had a brother named John, from whom the plaintiff is descended. If you are satisfied by the evidence that that is so, then the plaintiff is entitled to recover, because he is the heir of a brother of William, from whom the property descended; the property in that case would go to John, and so to the plaintiff; if there was no brother John the property would then go to Elizabeth, and so to the defendant. If there was a John Morgan, brother to William, from which John the plaintiff is descended, then the plaintiff is entitled to recover. The question is whether you are satisfied of that fact. If you are satisfied of it, you should in that case give your verdict for the plaintiff. If you are not satisfied of it, your verdict should be for the defendant.

A JURY. Will your lordship allow us to retire to consider our verdict?

MR JUSTICE WILLES. By all means.

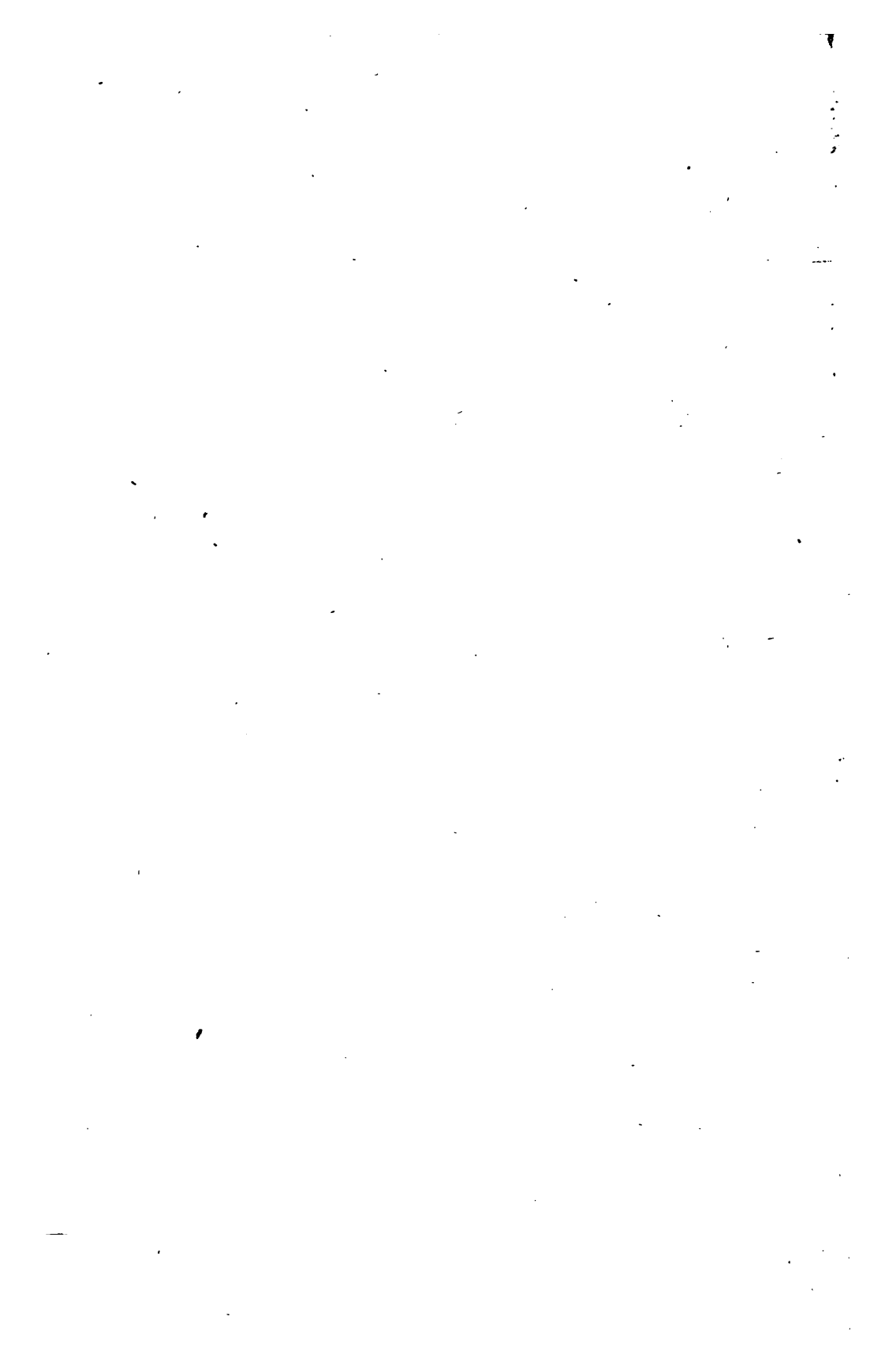
ANOTHER JURY. I should wish to have your lordship's opinion with respect to the evidence which Harry Morgan gave relative to

John Morgan. I presume, my lord, that Harry Morgan would not have seen John Morgan as often as he represented, John Morgan being neither a director nor a committee man of the Canal Company.

MR JUSTICE WILLES. With respect to that the evidence stands thus: the evidence is that he was not a committee man, but that William was. The evidence is that the meetings of the shareholders were held half-yearly, and it does not appear whether John was a shareholder or not. That is the state of the evidence. You will now retire to consider your verdict. I will ask you to be good enough to give your verdict at my lodgings. I shall feel obliged by your coming down there to give your verdict instead of giving it here, if it is not too much trouble. If there should be any of the documents that have been given in evidence you can send for them—they are all here.

The Jury having considered their verdict for about two hours, attend at the Judge's lodgings, when their names are called over and they all answer.

A verdict was given for THE DEFENDANT.



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